

# ***Status confessionis*, or, Stand Up and Be Counted: Reflections of a Church Historian**

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For some time now, the rank and file in the Evangelical Lutheran Church in America has had the challenge to become acquainted with two new phrases in the Lutheran vocabulary. As point and counterpoint, they have been introduced as the two responses to the recommendations of the task force on human sexuality. The first phrase is “bound conscience,” heretofore not exactly a “locus” in Lutheran theologizing, now given a meaning that falsifies both history and theology. It is, as any Lutheran will know, a phrase from Martin Luther’s famous statement before the dignitaries of the realm in Worms 1521. The other phrase is “*status confessionis*,” translated as “state of confessing,” until recently not exactly a Lutheran theological mainstay either, but now employed by those in pain over the decision of the church wide assembly. Both phrases deserve better historical reflection than they have seemed to have received; only one—*status confessionis*—will be the focus of this paper.

This paper will seek, first to offer a historical excursion to put the current discussion into a proper context; secondly, venture some theological reflections prompted by this historical survey; and finally end with a comment or two on the present situation.

## **I. The History**

Historically, the notion of a *status confessionis* made its appearance (not as a term) in the middle of the sixteenth century, specifically after 1548, when Emperor Charles V imposed an Interim settlement of the religious controversy that had been perturbing Germany (and Europe) ever since the unknown Wittenberg professor Martin Luther had posted his 95 Theses. The emperor all-too-naively thought that once a general council of the church convened, under Catholic auspices of course, both sides of the Reformation controversy would quickly reach agreement on the contested issues. In the interim, so he surmised, his military victory over the Lutheran League of Schmalkald allowed him to implement a sweeping religious settlement that in effect would reintroduce Catholicism in places that were Lutheran. His settlement stipulated the restoration of such Catholic practices as saints’ days, vigils, Masses for the dead, and Corpus Christi processions. Documents of December 1548 and July 1549 expressly demanded the re-introduction of Catholic liturgical customs, such as Eucharistic vestments and the use of Latin in the divine service, both long abandoned in Lutheran congregations. Recognizing that this sweeping re-introduction was a tall order, the Emperor allowed his settlement, promptly labeled Interim, to include several concessions to the Lutherans, mainly married clergy and the communion cup for the laity.

This Interim settlement was swiftly put into practice, especially in South Germany, where the emperor’s political and military influence brought the forced re-catholicizing of Lutheran towns and territories, and a wave of expulsions of Lutheran pastors. The issue facing Lutherans was whether this “Interim” reintroduction of Catholic practices—no matter how painful—should be accepted; after all, the emperor had offered some concessions to them. Not surprisingly, an intra-Lutheran controversy ensued. It divided pastor from pastor, theologian from theologian, congregation from congregation. Both sides waged a polemical propaganda war with a flood of

pamphlets and books, very much reminiscent of the early years of the Reformation when an avalanche of writings in support and rejection had accompanied Luther's clarion call.

Some Lutheran theologians found the emperor's mandate acceptable; others did not. Those who did argued that the provisions of the Interim pertained only to "secondary" or "indifferent" matters—the word used was the Greek word *adiaphora*, indifferent things, such as vestments that did not touch the heart of the faith. Those who found the Interim unacceptable maintained that behind what seemed to be theological trivia lurked fundamental theological affirmations.

The leader of those who accommodated themselves to the emperor's mandate, dubbed "Philippists," was none other than Philip Melancthon, Luther's theological heir apparent. The Philippists argued that as long as the heart of the faith remained intact it was altogether proper to yield on secondary, theologically indifferent issues. The opposing faction was led by Mathias Flacius, professor of Old Testament at Wittenberg, a firebrand of deep convictions, consumed by a determination to be Luther's authentic disciple. His faction received the label Gnesio-Lutherans, or "real" Lutherans. Their battle cry was "nothing is indifferent when the faith is at stake."

In this polemical context the notion of a *status confessionis*, a state of confessing, made its appearance. It was first invoked by Flacius, for whom anyone who accepted the Interim was a theological fool or a personal coward. Flacius held that "indifferent" matters can become pivotally important when controversy or "scandal," "the use of force," or the "denial of the faith" jeopardize the gospel itself. And that, he argued, was taking place. The controversy between the Philippists and the Gnesio-Lutherans lasted the better part of a decade and is known as the *Adiaphora* Controversy, because it was over the theological significance of *adiaphora*, indifferent things.

The practical issue (the introduction of the Interim) became moot when it turned out that Emperor Charles religiously and politically overreached himself: he failed to receive papal support for his religious policy and discovered that the territorial rulers were not at all eager to accept a curtailment of their power in favor of the emperor as Charles was also proposing. Promptly, Charles had to acknowledge the defeat of his efforts. He threw the towel in 1555 in what is known as the Peace of Augsburg. But in Lutheran ranks the memory of the controversy and the disagreement lingered. When, in the 1570s, negotiations began to find a common theological ground for all German Lutherans, the arduously and artfully crafted Formula of Concord devoted an entire article, Article X, to the topic of "indifferent things," and in so doing took the side of Flacius.

Afterwards, the watchword of a *status confessionis* was largely forgotten in Lutheran theological discourse, a relic of bygone days, honored but lacking practical significance. The absence of a *status confessionis* for over three hundred years might suggest that the true faith never seemed to be endangered, not even in the thinking of the eighteenth century German Pietists who found numerous problems in the church but did not conclude that a *status confessionis* existed.

Then came the twentieth century and the Nazi rise to power in Germany in 1933. A splinter faction in German Protestantism called "German Christians," insignificant in size and not taken seriously theologically, attained increasing prominence in the Lutheran and Prussian Union churches. These German Christians held to a strange mishmash of 19th century racial theories about the innate superiority of the Germanic race and ultra-liberal Enlightenment Christian thought. They argued that true Christianity had no relationship with Judaism; Jesus had been an Aryan; Paul, the Jew, had perverted, judaized Jesus' message. The kinship of this radical understanding of the Christian faith and Nazi ideology was clear, as was the indirect support of the Nazi party.

This theological extremism was accompanied by equally extremist notions about the organizational structure and distribution of authority in German Protestantism. Here, too, the German Christians took their cue from Nazi policy which envisioned and created a unified centralized government in Berlin. The German Christians fell into line and advocated the abolition of the traditional territorial structure of Lutheran synods and the creation of a single German Protestant church. In the process, synodical assemblies were stripped of their legislative power (that was democracy!) and afforded the bishops and superintendents unprecedented authority and power. The totalitarian system of the state was to be applied to the churches.

There was something else, more grievous. Within weeks of its succession to power in Germany, the Nazi government promulgated a law with the nondescript title “respecting the re-introduction of a professional civil service.” Under the guise of freeing the German civil service system from undue political influence this law stipulated the discharge of all ethnic Jews from the German civil service. Though German citizens, Jews could no longer be teachers, for example, or otherwise serve in the civil service. The German Christians insisted that the Lutheran churches and the Churches of the Prussian Union follow suit and discharge all pastors of Jewish descent.

In response a movement of protest coalesced in the churches. Those who opposed the agenda of the German Christians proclaimed that a *status confessionis* existed, created by the German Christians’ extremist theological and political agenda. This led in 1934 to the convening of an extraordinary synod in the West German town of Barmen. This “confessing” synod adopted the *Declaration of Barmen* which remains to this day a poignant statement of traditional Christian belief.

With its insistence on a traditional understanding of the Christian faith, the *Barmen Declaration* indirectly chastised the Nazi government for its implicit support of the agenda of the German Christians, thereby interfering in the internal affairs of the church. In its essence, however, the *Declaration* was the witness of one group in the church to another group also in the church. This was the so-called German “church struggle,” which declined in prominence when the Nazi government concluded that it had better stay out of internal theological controversies and withdrew its support of the German Christians. But tensions continued to persist, however, as German Christians occupied pivotal church offices in the Lutheran and Union churches until the end of the Nazi regime in 1945.

Even though the *status confessionis* had not been formally invoked in the church struggle, for the first time since the mid-sixteenth century, leading theologians insisted that it existed. It was, indeed, as if the concept had been rediscovered and sensitivities sharpened, for the remainder of the twentieth century brought a plethora of declarations of a *status confessionis*.

In 1966 the *status confessionis* was declared in Germany, after the work of the New Testament scholar Rudolf Bultmann had come under increasingly fierce attacks from academic colleagues, church leaders, and lay people. Bultmann’s program of “demythologizing” the New Testament was understood as a plain denial of the gospel. In synod after synod it was proposed, sometimes successfully, sometimes not, that Bultmann’s method of interpreting the New Testament be declared to violate the traditional faith. The Erlangen theologian Walter Künneth, who had weighed in on the side of the conservatives, declared in a lengthy statement that Bultmann’s views meant that a *status confessionis* existed. This was a radical turn, for the uneasy co-existence between liberals and conservatives that had prevailed ever since the late eighteenth century when Lessing published the *Wolfenbüttel Fragments*, a radical Deist reinterpretation of the traditional reading of Scripture ended. Künneth’s intervention invoked a *status confessionis*, even though Bultmann had

not denied any part of the creeds or the Lutheran confessions. Künneth's underlying rationale was that Bultmann's hermeneutic method led to a repudiation of the gospel.

At the same time another controversy was in the making and led to the invocation of a *status confessionis*—and given a radically new meaning. Once again, no article of the creed or the confessions was explicitly at issue. The catalyst was a discussion among German theologians about the nature of heresy, which was traditionally understood as dissent from formal established church doctrine. In this discussion some theologians argued that the designation “heresy” should also apply to dissent from formal established ethical norms. To distinguish this kind of heresy from the traditional understanding, it was labeled “moral heresy.” The traditional limitation of heresy to deviation from doctrine was modified with the argument that there were moral issues so serious and fundamental to make the term “heresy” appropriate and indeed necessary. If moral heresy prevailed, a *status confessionis* existed.

A specific issue had triggered this discussion: the storage of an arsenal of atomic weapons on German soil. The existence of moral heresy, in turn, meant the concomitant existence of a *status confessionis*. The crucial sentence in one of the documents promulgated at the time argued the case as follows: “The *status confessionis* occurs when within or without the church the proclamation and the teaching of the gospel of God's mercy and the sole authority of Jesus Christ are falsified and ignored or if government blatantly fails to fulfill its divine mission to keep order and protect law and the good.” It is important to note the twofold argument made here. The *status confessionis* exists, when “within or without the church” the gospel is not properly taught and when government fails “to fulfill its divine mission to keep order.” Christians are to “confess” when the divine order is denied in the church or in society.

In the early 1970s the *status confessionis* was declared in North America by a group of Lutherans. At the time, the Lutheran Church Missouri Synod was torn by a controversy over proper biblical scholarship, an echo of the debate in Germany over Rudolf Bultmann's views. Conservative pastors and lay people formed a protest movement, the Federation of Authentic Lutheranism, which declared that the Missouri Synod, because of its toleration of what was taught at Concordia Theological Seminary in St. Louis, had lapsed into heresy and a *status confessionis* existed. The charge was that Concordia faculty relativized the authority of Scripture and taught Antinomianism—a most egregious shortcoming in the Lutheran tradition. Just as had happened in the case of Bultmann, a *status confessionis* was proclaimed to express opposition to a certain scholarly perspective. Controversy turned into confrontation, and eventually a large number of Concordia faculty (and likeminded members of the Missouri Synod) left the Missouri Synod. The irony was that those who left and subsequently formed the Association of Evangelical Lutheran Churches also declared a *status confessionis* which, so they stated, had compelled them to leave the Missouri Synod. The point of contention was not an article of the creed or of the confessions, but the question of the proper exegetical method.

The most recent instance of an invocation of a *status confessionis* came in 1977, when the Lutheran World Federation (LWF), meeting in Dar es Salaam, called on the Evangelical Lutheran in South and Southwest Africa to renounce publicly the system of apartheid because this system meant that a *status confessionis* existed for the Lutheran world community. Here are the key sentences of the LWF declaration: “Under normal circumstances, Christians may have different opinions in political questions. However, political and social systems might become corrupted and oppressive so that it is consistent with the (Augsburg) confession to reject them and work for change. We especially appeal to our white member churches in southern Africa to recognize the situation in southern Africa constitutes a *status confessionis*. This means that, on the basis of faith and in order to

manifest the unity of the church, the churches would publicly and unequivocally reject the existing apartheid system.” This LWF declaration proved to be controversial and received concurrence but also rejection from member churches in the LWF. Since the two churches did not respond to this demand, the Lutheran World Federation meeting in Budapest in 1984 suspended the LWF membership of these two churches; they had not “publicly and unequivocally” rejected the apartheid system. Their suspension was not lifted until 1991. As matters turned out, the political changes in South Africa culminating in the elections of 1994 made the theological issue moot.

## II. The Theological Reflection

What theological conclusions can be drawn from these historical precedents? The starting point for Lutheran theologizing is the Formula of Concord, which in Article X seems to address the issue even though the lengthy section deals “Ceremonies,” clearly an echo of the *adiaphora* controversy of 1548. What does it say? Here is a lengthy excerpt:

The chief question, however, has been, whether, in time of persecution and in case of confession, even if the enemies of the Gospel have not reached an agreement with us in doctrine, some abrogated ceremonies, which in themselves are matters of indifference and are neither commanded nor forbidden by God, may nevertheless, upon the pressure and demand of the adversaries, be reestablished without violence to conscience, and we may thus [rightly] have conformity with them in such ceremonies and *adiaphora*.

To this the one side has said Yea, the other, Nay.

We believe, teach, and confess that in time of persecution, when a plain [and steadfast] confession is required of us, we should not yield to the enemies in regard to such *adiaphora*... For in such a case it is no longer a question concerning *adiaphora*, but concerning [how care should be taken lest idolatry be openly sanctioned and the weak in faith be offended]; in which we have nothing to concede, but should plainly confess and suffer on that account what God sends, and what He allows the enemies of His Word to inflict upon us.

On the face of things, the Article is indeed appears to be limited in scope and is, therefore, not of much specific help. It clearly deals with legitimacy of “ceremonies,” and seeks to resolve the *adiaphora* controversy. All the same, the article also enunciates certain principles that address broader issues. These are stated clearly enough. The time of confessing has come when the gospel and its truth are persecuted and endangered by external forces. The beginning of Article X makes this clear, when it speaks of the “time of persecution and the case of confession.” Echoing the long tradition of Christian martyrdom, the Formula maintains that Christians must confess when the faith is threatened by external forces. Of course, this would seem to be rather self-evident (to confess the faith that one confesses even under duress) and so the Formula continues to argue a second principle, relevant even when no Gestapo agents or papal mercenaries threaten the faith. It enunciates what must be threatened and cites “the truth of the Gospel, concerning Christian liberty, and concerning sanctioning open idolatry, as also concerning the prevention of offense to the weak in the faith.” These considerations are summarized simply as the absence of “agreement . . . in doctrine and all its articles.” Then, a *status confessionis* does, in fact, exist. The key phrase is here “agreement in doctrine and all its articles” as shorthand for what was spelled out and is subsumed under the “gospel.” The reference to “all its articles” then refers to the other confessional

documents in the Book of Concord, notably the Schmalkald Articles, and the two catechisms. Taken together these contain the authentic exposition of the “gospel.”

It follows, then, from Article X that what triggers a *status confessionis* can be broad. Accordingly, the historical use of the term has had many causes and has meant many things. A *status confessionis* can refer to the circumstances that require an unusually strong “confessing” witness, even as it can refer to the “confession” itself, made under trying conditions and circumstances. Also, the *status confessionis* is invoked if (in the opinion or conviction of those who invoke it) an emergency situation, a radical turn of events with respect to the faith exists.

The *status confessionis* is always understood as silent witness or active resistance. The theologian Karl Barth defined God’s honor and the affirmation of belief as the criteria of any *status confessionis*. In other words, *status confessionis* means more than a reaction to a specific theological declaration; it exists when God is no longer honored with obedience to his Word. It is a call to confess because the fullness of the gospel is taken to be in danger. The call supposes that the issue at hand is so serious, so basic, so fundamental, that neither compromise nor co-existence is possible. As the Ottawa resolution of the World Alliance of Reformed Churches put it referring to apartheid: “We regard this as an issue on which it is not possible to differ without seriously jeopardizing the integrity of our common confession.” Accordingly, Dietrich Bonhoeffer wrote in 1933 that “there can be no doubt that a *status confessionis* exists. How such a confession finds its proper expression, however, is not at all clear.” Karl Barth responded that he “too, was convinced that the *status confessionis* existed, because the law [concerning non-Aryan pastors] is intolerable.”

As a result, the ties with those who are violating this commitment to the gospel may well be cut. The unity of the church is deemed of less importance than faithfulness to the gospel. It has the potential of leaving the church, though both Martin Luther and Karl Barth hesitated, saying that they would wait until thrown out—though this stance made a parting of the ways inevitable.

The historical precedents suggest a variety of recipients of the call to confess. In the sixteenth century the opponents were a group of theologians. In 1933, the recipients of the “enemy” were a fringe group within the Lutheran and Union churches. The LWF pronouncement against the South African Lutheran churches was directed against two church bodies.

The charge of a *status confessionis* is always made on the ground of Scripture, the “gospel,” in case of the 1933 and 1977 declarations also on the confessions of the church. The historical precedents offer different answers to the question who issued the call of a *status confessionis*. In the sixteenth and in the twentieth century, individual theologians and informal groups of lay persons claimed the authority, whereas the apartheid condemnation was made by a quasi-church body, which after the pronouncement sought the formal concurrence of the Lutheran member churches.

Most importantly, the historical precedent suggests that any issue or topic, even insignificant, may be invoked to proclaim a *casus confessionis*. In the current ELCA discussion about the decision of the church wide assembly on human sexuality, the argument has been advanced that the decisions do not rise to a level of importance which calls for leaving the church or declaring heresy or proclaiming a “state of confessing.” That may well be so, but it is historically incorrect, even impossible, to distinguish between “big” theological issues that necessitate the proclamation of a *status confessionis* and insignificant ones that do not. In the sixteenth century both sides of the intra-Lutheran *adiaphora* controversy acknowledged that disagreement was over seemingly unimportant issues, “indifferent things,” such as clerical vestments. But then the two sides parted

company. The one side argued that the controversy was indeed over insignificant issues, while the other side argued that, since the gospel was at stake, insignificant issues became incisive ones.

Clearly, the specific issues differed. In the sixteenth century “ceremonies,” were at issue, while in Nazi Germany it was the organizational structure of the Lutheran and Union churches and the imposition of political ideology unto the church. The declaration of the Lutheran World Federation focused on a societal policy matter. German theologians found the storage of atomic weapons the cause for proclaiming a *status confessionis* and more recently a theologian issued the call because of global warming.

Finally, the historical record shows that individuals or groups of individuals have tended to be the ones who issued the call to “confess,” and they have tended to do so driven by the message of the gospel. Flacius was not authorized by a Wittenberg superintendent nor did Bonhoeffer and Niemoeller and Dibelius wait for the authorization of their Berlin bishop. In the beginning stood individuals, generally clergy, who became convinced that the communion of saints was in crisis. The action of the Lutheran World Federation constituted as complex exception.

### III. The Current Situation

It should not have come as a surprise that the decision of the church wide assembly of last August would trigger a widespread and passionate adverse reaction. Probably, the explanation is that for many it was the proverbial straw that broke the camel’s back, the most recent of a series of questionable ELCA policy determinations. The effort of the ELCA supporters of the decision to calm the storm with a dubious reference to a so-called “bound conscience” has not calmed those who have insisted that the time to confess, the time for a *status confessionis* has come. The defenders of the action of the church wide assembly, following a strategy of relativizing the import of the action, have been quick to point out that disagreement over issues of human sexuality will not threaten the proclamation of the gospel of grace which surely is preached from ELCA pulpits after the church wide assembly as it was before. Differing opinions about the biblical understanding of human sexuality should be able to exist side-by-side. Unity does not mean uniformity.

Much could be said (and has already been said) about this effort to play down the decisions. Be that as it may, however, the historical precedents of calls for the *status confessionis* tell a different story. Most of the time, the catalyst has been what on the face of things was an insignificant issue. Just recall the *adiaphora* controversy in the sixteenth century and the “trivia” of clerical vestments or of the use of Latin in the service. The controversy demonstrated that secondary issues are seen to have ramifications fundamental to the gospel. This validates the simplicity of article VII of the Augsburg Confession with its declaration: “For the true unity of the Church it is sufficient to agree concerning the doctrine of the Gospel and the administration of the Sacraments.” The “gospel” here mentioned means nothing less than the heart and core of the biblical teaching, identified in the Formula of Concord as what is found in all “the articles.”

Some assert that only when the gospel of forgiveness through faith is directly in jeopardy is there reason to proclaim a *status confessionis*. Again, the historical record does not support this. The declaration of the Lutheran World Federation against the South African Lutheran Churches occurred while these churches surely proclaimed the gospel of *sola gratia* and *sola fide*. But the LWF declaration expressly indicated that their endorsement of apartheid raised larger issues, and forced the conclusion that the Lutheran churches in South Africa had fallen into heresy.

Where does this leave us?

First of all, the historical precedents are so diverse that there is absolutely no historically clear argument against the declaration of a *status confessionis* at the present time by any in the ELCA who are persuaded that the gospel has been compromised. To be sure, the phrase itself is evasive and lacks specificity. It can mean different things. Theologians, well versed in Latin, love it for its crispness. To the men and women in the pews, it means little. There are good English phrases that might be used, “Stand up and be counted,” for example. None of these considerations, however, may deter the use of the term at present. Specific views, decisions, policies in the church can indeed violate the “truth of the gospel.”

The reactions under the present circumstances will differ. For some the declaration of a *status confessionis* means new organizational forms in or apart from ELCA structures. For some it will mean leaving the ELCA. For others it will mean new ways of financial support. Yet others will be persuaded that the ELCA should continue to be their spiritual home.

There is one obvious way to appropriate the complex tradition of the *status confessionis*—to proclaim the gospel. It is not only the good news of justification *sola fide*, but also all its ramifications recorded in the confessions and creeds and the Word, in short, what is known as the Tradition (as distinguished from “traditions.”).

And when the hour of confessing has come, it is done in the company of the church universal through the centuries, the men and women who stood up and challenged their contemporaries with the reminder what the gospel is all about. Some of these clouds of witnesses are well known, Dietrich Bonhoeffer, for example, while others have long forgotten, the Dutch woman Elisabeth, for example, in the sixteenth century condemned to death for her belief and writing a moving testimonial letter to her yet unborn daughter. Or Martin Luther, who knew his Bible well enough to be overwhelmed by its message of the justification of the sinner. And who knew his God well enough to know that even if there were as many devils as tiles on the roofs of houses, as he himself put it, God was a bulwark never failing.

When that message of the fullness of the gospel is steadfastly preached, all will be well.