To Decline CTCR Statement, "In Statu Confessionis: A Response to Questions from the Praesidium of the Synod" (April 15, 2005) and Encourage Congregations in a State of Confession to follow the Dissent Process

Whereas, Article VII of the LCMS Constitution is careful to not assume that the Synod will be error free.

"Accordingly, no resolution of the Synod imposing anything upon the individual congregation is of binding force if it is not in accordance with the Word of God or if it appears to be inexpedient as far as the condition of a congregation is concerned;" and

Whereas, bylaw 1.8.1, out of great concern for the truth, makes it clear that "the right of brotherly dissent" is not to be trampled.

"While retaining the right of brotherly dissent, members of the Synod are expected as part of the life together within the fellowship of the Synod to honor and uphold the resolutions of the Synod;" and

Whereas, bylaw 1.8.2 states that for those who are exercising their dissent, great concern is made to respect matters of "conscience."

"Dissent from doctrinal resolutions and statements is to be expressed first within the fellowship of peers and then brought to the attention of the Commission on Theology and Church Relations before finding expression as an overture to the convention calling for revision or recision. While the conscience of the dissenter shall be respected, the consciences of others, as well as the collective will of the Synod, shall also be respected."

Whereas, the CTCR in an April of 1970 statement stated:

The Commission on Theology and Church Relations is not aware of any synodically approved definition of the term *in statu confessionis* for our time. The commission is of the opinion that the term is quite generally employed in the current usage of our church to declare that an individual or congregation is in a state of protest because it holds that a particular teaching, practice, or action of the church against which the protest is lodged is contrary to the Word of God or endangers the Gospel. Used in this sense, **the declaration that one is in statu confessionis is not tantamount to the breaking of fellowship.** If, however, the circumstances which called forth the protest are not corrected in due time, the implication is that the protest will lead to the severance of fellowship relations. (Adopted by the CTCR, April 1970, and found in *Convention Workbook*, 1971, p.39. *Note: The entire quote is included at the end of this Overture as Supporting Document 1.*); and

Whereas, the 1971 Synodical Convention, passed Resolution 5-01, entitled, "To Decline to Require Forfeiture of Privileges on Part of Protesting Members." It stated:

"Whereas, Member congregations, pastors, and teachers who have entered upon a 'state of protest' nevertheless retain their membership in the Synod; and

Whereas, The Constitution of the Synod does not recognize a limited membership such as is proposed by our petitioning brethren; therefore be it

Resolved, That congregations and individuals who are in a "state of protest" remain entitled to all benefits and privileges of synodical membership; and be it further.

Resolved, That we remind ourselves that the privileges of synodical membership also carry with them duties and responsibilities (synodical Handbook, paragraph 1.05); and be it finally

Resolved, That we refrain from granting Overture 5-23." (1971, *Convention Proceedings*, 1971, p. 153);

{Note: 1971 Overture 5-23, "To Require Forfeiture of Privileges on Part of Protesting Members," which was NOT passed by the convention, and which the Synodically passed Resolution 5-01 explicitly mentions as declined is included as Supporting Document 2 following this overture}; and

Whereas, the CTCR in the April 15, 2005 document, "In Statu Confessionis: A Response to Questions from the Praesidium of the Synod," completely contradicts a previous CTCR statement. The CTCR in April 2005 stated,

"The suspension or withholding of Communion to fellow members of the Synod is by definition a severing of church fellowship," while the CTCR in April 1970 stated,

"...the declaration that one is in statu confessionis is not tantamount to the breaking of fellowship;" and

Whereas, the CTCR in the April 15, 2005 document, "In Statu Confessionis: A Response to Questions from the Praesidium of the Synod," completely contradicts a previous CTCR statement. The CTCR in April 2005 expects ecclesiastical discipline, when it says,

"...the approach taken in dealing with those who declare themselves in statu confessionis with the Synod and refuse to commune district or synodical officials should be the same approach taken in dealing with those who ignore or oppose the Synod's position on close(d) Communion and thus choose to practice open Communion in violation of their commitment to Synod.

(Note: Even though it is well known that the practice of open communion is openly practiced within our Synod without any discipline ever threatened or acted upon, the threat is real because a District President could and should discipline those who practice open communion.);

while the CTCR in April 1970, stated,

 "That congregations and individuals who are in a "state of protest" remain entitled to all benefits and privileges of synodical membership;" and

Whereas, the CTCR in the April 15, 2005 document, "In Statu Confessionis: A Response to Questions from the Praesidium of the Synod," **confuses the differences** between *in statu confessionis* with the Synodical dissent process found in bylaw 1.8.

## A. The Synodical dissent is designed to allow a member of Synod to oppose and work to correct certain official Synodical teachings, which they consider to be false doctrine.

Members of Synod have agreed to follow this dissent process(bylaw 1.8), not because it is found in Holy Scripture or required by Holy Scripture, but for the sake of good order in the Synod. On the one hand, our beloved Synod wants her members "to honor and uphold the resolutions of the Synod," on the other hand she desires some orderly way to allow for any Synodical errors to be corrected. The truth of God's Word is just that important! This dissent process has three steps:

- 1. Express dissent "within the fellowship of peers,"
- 2. Bring the dissent "to the attention of Commission on Theology and Church Relations"
- 3. Express dissent as "an overture to the convention calling for revision or recision;" and

B. A "state of confession," however, is not concerned with Synodical relationships, but with keeping God's Word not to participate(share) with those who do not continue to hold to the Apostolic teaching(Rom 16:17, 1 Tim 6:3-16). A state of confession is declared for the sake of the conscience of the member of Synod. A "state of confession" allows a congregation or pastor to remain a member of an erring Synod, but not participate in the errors of that same Synod. A person's confession is determined by their public membership. Thus, if the Synod approves false teaching as the official teaching of the Synod, then each and every member of Synod is equally guilty of that false teaching on account of their public membership. A "state of confession" is one particular way of keeping a good conscience and not participating in falsehood. Those congregations and pastors in a "state of confession,"

- 1. Commune only with those who have rejected the false teaching of Synod,
- 2. Share pulpits and altars with those who have rejected the false teaching of Synod, and
- 3. Support with our offerings, only those missions and organizations who teach in accordance with the Word of God; and

Whereas, the CTCR in the April 15, 2005 document, "In Statu Confessionis: A Response to Questions from the Praesidium of the Synod," has **wrongly** assumed that

- 1. The Constitution of our Synod does not "include provisions for issuing a confessional protest" and therefore it should not be done(*In Status Confessionis*, part 3),
- 2. A "state of confession" and the process of Synodical dissent are mutually exclusive, so that you cannot or should not do both at the same time(*In Status Confessionis*, part 4c),
- 3. Those who are in a state of confession are not honoring "our agreed-upon procedures for resolving our disagreements(*In Status Confessionis*, part 4e)."

Although it is true that the words, *in statu confessionis*, are not found in our Constitution or bylaws, some kind of action is anticipated when bylaw 1.8.1 speaks of honoring and upholding the resolution of the Synod, but begins the sentence with a stipulation, "While retaining the right of brotherly dissent...(*See lines 10-12 above*). Some kind of action based on conscience is anticipated by 1.8.2 reference to the conscience of the dissenter, "While the conscience of the

**dissenter shall be respected...**(*See lines 16-21 above*). Finally, the Synod in Convention in 1970 did not see a "state of protest," as any kind of violation of our Synodical agreements but affirmed that "Member congregations, pastors, and teachers who have entered upon a 'state of protest' nevertheless **retain their membership in the Synod**" and "...**remain entitled to all benefits and privileges of synodical membership**" (*See lines 40-51 above*).

The reason, that our Synodical Constitution does not explicitly give provisions for a state of confession, is because a state of confession is not directed at the Synod, nor is it done in order to change the Synod. A state of confession is a churchly process that is employed so that one can remain in a heterodox synod and follow the agreed-upon procedures for dissent. 1970 Synodical Res. 5-01, understood that a "state of confession" and following the synodical procedures for dissent could exist side-by side; and

Whereas, the CTCR in the April 15, 2005 document, "In Statu Confessionis: A Response to Questions from the Praesidium of the Synod," has impractically and wrongly recommended that the district president urge Synodical members to follow the dissent process "as an alternative to—or a stage prior to—taking the more drastic step of declaring themselves to be in a state of confessional protest" (part 4c). This recommendation makes no sense. A person or congregation, who held in their conscience that Synod had erred, would not be able to remain in the Synod even for a short time, if they were forced to share in that same false doctrine and practice while he is dissenting. God's Word does not allow for participation with error, ever!

Romans 16:17, "Now I urge you, brethren, note those who cause divisions and offenses, contrary to the doctrine which you learned, and avoid them."

1 Timothy 6:3-16, "If anyone teaches otherwise and does not consent to wholesome words, even the words of our Lord Jesus Christ, and to the doctrine which accords with godliness.... 5From such withdraw yourself.... 11But you, O man of God, flee from these things and pursue righteousness, godliness, faith, love, patience, gentleness. 12Fight the good fight of faith, lay hold on eternal life, to which you were also called and have confessed the good confession in the

Whereas, the CTCR in the April 15, 2005 document, "In Statu Confessionis: A Response to Questions from the Praesidium of the Synod," has stated, "A confessional protest should not be entered into hastily" (part 4d). Rightly understood, this is correct. Franz Pieper states,

"A church body does not forfeit its orthodox character by reason of the casual intrusion of false doctrine. A church body loses its orthodoxy only when it no longer applies Rom 16:17, hence does not combat and eventually remove the false doctrine, but tolerates it without reproof and thus actually grants it equal right with the truth" (Christian Dogmatics,

III, "Orthodox and Heterodox Churches," p. 422-423).

presence of many witnesses;

Simply because a member of Synod, even a Synodical president, teaches something falsely is no reason to enter a state of confession. Simply because a human council, even the Commission on Theology and Church Relations, publishes false teachings is no reason to enter a state of confession. However, when the Synod in Convention approves

falsehood, so that it becomes Synod's official doctrine and public confession, no time is too soon to obey Scripture's warning to flee from falsehood.

Whereas, the CTCR in the April 15, 2005 document, "In Statu Confessionis: A Response to Questions from the Praesidium of the Synod," has stated, "The issuing of a state of protest calls into question the desire of these pastors or congregations to remain members of the Synod on two counts" (part 3). " This CTCR report does not sufficiently understand the reason for which a member of synod enters a "state of confession." The report has wrongly assumed that a state of confession is to either (a) subvert the dissent process or (b) start a church within a church. Once again, a state of confession allows the member to retain a good conscience, while it remains in a heterodox synod for a time. The protesting member DOES want to remain in the Synod and therefore has determined to stay and call an erring Synod back to the truth.

Whereas, the CTCR in the April 15, 2005 document, "In Statu Confessionis: A Response to Questions from the Praesidium of the Synod," has stated, "Their protest is something of a final attempt, short of leaving the Synod, to draw attention to their concerns." And

"Fourth, it appears on the one hand that the declaration of *in statu* confessionis is intended to serve as a warning that unless the Synod reverses itself and matters are rectified, amended, or rescinded, these protesting pastors and congregations will feel compelled to sever their membership in the Synod" (p.4).

This sentence from the report is true. Although Christians are never given permission to share in another's falsehood, they are commanded, "Be completely humble and gentle; be patient, bearing with one another in love" (Ephesians 4:2), and "Brothers, if someone is caught in a sin, you who are spiritual should restore him gently. But watch yourself, or you also may be tempted" (Galatians 6:1). The principle found in Titus 3:10, applies, "Warn a devisive person once, and then warn him a second time. After that, have nothing to do with him." The reason that a Synodical member does not immediately leave a Synod in which error is approved, is out of love for their brothers. However, if the procedures for dissent—the only synodically approved way of "calling for revision or recision" of false official teaching—are exhausted by a protesting member and the Synod has not returned, then the protesting member should leave the synod or be removed; and

Whereas, if the present CTCR statement, "In Statu Confessionis: A Response to Questions from the Praesidium of the Synod" (April 15, 2005) is approved by the Synod, it will effectively eliminate all dissent on Scriptural grounds. This CTCR statement prohibits all who dissent from "fleeing from falsehood," and requires them to participate(share) in the error they are protesting, while they dissent. No conscience-bound person would do this; therefore be it

Resolved that the Lutheran Church-Missouri Synod, gathered in convention, reject the CTCR statement, "*In Statu Confessionis*: A Response to Questions from the Praesidium of the Synod" (April 15, 2005); and be it finally

Resolved, that all members of Synod, who are bound by conscience to flee from error and thus enter a "State of Confession," be encouraged to simultaneously follow our agreed-upon Synodical procedures for dissent(bylaw 1.8) so that in love our Synod "may be united in mind and thought" (1 Cor 1:10). Approved on Sunday, January 28, 2007 Trinity Lutheran Church 1000 North Park Avenue Herrin, IL 62948 

## **Supporting Documents**

1. "APPENDIX B In Statu Confessionis: A Theologico-Historical Definition

The phrase in statu confessionis probably can be traced back to the Adiaphoristic Controversy and the Tenth Article of the Formula of Concord. While the phrase itself is not found in the Formula, the comparable phrase in casu confessionis does appear. This phrase was used to describe a case or situation where public confession concerning the Gospel had become a God-given and inescapable duty. The Formula indicates that this duty devolves on Christians when the matter "has to do with the truth of the Gospel, Christian liberty . . . [and] preventing offense to the weak in faith." The Formula describes those who by deed and word deny the truth of the Gospel, destroy Christian liberty, and offend the weak as "enemies of the Gospel." At a later date in the history of the Lutheran Church in statu confessionis came to be used to describe the conviction and action of Christians who protested, at the risk of life and limb, words and deeds in opposition to the Gospel and its articles as they understood them. Used in the sense of the Formula of Concord, the phrase in statu confessionis would describe the conviction and action of Christian individuals and groups who have reached the conclusion that the truth of the Gospel and its articles is being perverted within their church body by those who have become "enemies of the Gospel."

The Commission on Theology and Church Relations is not aware of any synodically approved definition of the term *in statu confessionis* for our time. The commission is of the opinion that the term is quite generally employed in the current usage of our church to declare that an individual or congregation is in a state of protest because it holds that a particular teaching, practice, or action of the church against which the protest is lodged is contrary to the Word of God or endangers the Gospel. Used in this sense, the declaration that one is *in statu confessionis* is not tantamount to the breaking of fellowship. If, however, the circumstances which called forth the protest are not corrected in due time, the implication is that the protest will lead to the severance of fellowship relations. (Adopted by the CTCR, April 1970, and found in *Convention Workbook*, 1971, p.39); and

## 2. Convention Workbook, 1971, pp. 257-258

Overture 5-23 (which did not pass and is referenced in the final resolve of 1971 Res. 5-01) To Require Forfeiture of Privileges on Part of Protesting Members

Whereas, Some member congregations, pastors, and teachers of the Synod have declared themselves to be in a "state of protest" or a "status confessionis" with the Synod for various reasons of a doctrinal nature; and

Whereas, Entry into such a state or status calls on officials of the Synod to deal with protestants for the purpose of clarifying and resolving differences and difficulties; and

Whereas, Entry into such a state or status places the protestant into a position of public disagreement with the Synod; therefore be it

Resolved, That members of congregations that hold synodical membership and pastors and teachers of the Synod who have entered into a "state of protest" or "status confessionis" thereby forfeit the following privileges of membership in the

Synod: service on a board or commission of the Synod or a District, whether this be by election or appointment, and advisory or delegate status at a convention of the Synod where such status would call for such a protestant to serve in a representational capacity on behalf of others.

Faith Lutheran Church Inglewood, Calif. Herbert Hohenstein, Pastor