

Confessing the Faith of the Church

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Summary. So hazardous is confessing, as in those fateful "times for confessing," "the time of trial," that our Lord bids us pray to be spared that ordeal. However, his church's only preventive against such times is a faith which at all times is, if necessary, confessable. That is the faith that for the integrity of his church, his one gospel-and-sacraments, is all the authority it needs, ever.

CONFESSIO: STERNUTATIO ECCLESIAE

Can that be: confessing is "the church's (form of) sneezing?" Doesn't that trivialize confessing? Well, consider what sneezing is. It is (1) the body's protest against contaminants in its head, (2) protesting within an inch of its life. Moreover, sneezing is (3) apparently an over-reaction, though only apparently. It is (4) not optional yet (5) whenever possible is to be averted. So, in all these five respects, is confessing.

Confessing is the Body of Christ protesting against contaminants in its head (1). It is a conflict situation, the most serious conflict being internal. Confessing, in this primary sense, is not just any genial declaration of faith—for example, the way candidates for baptism might "confess" their faith amidst an approving congregation, or the way a Christian friend may "confess" the reason of her hope to a confidante, or the way a new denomination might vote into its constitution a "confessional" preamble, maybe unanimously and to standing ovations.

No, confessing is more embattled and adversarial than that. If faith were likened to breathing in, as we shall suggest later, confessing is not just the automatic reflex of that, breathing out. Confessing may mean that, too, but then only in a derived, domesticated sense. Then it describes a quite natural, non-controversial venting of one's faith. Just as sneezing is not some ordinary exhaling done at one's ease but is rather in the nature of an uprising, so is confessing, in the sense employed here. In fact, as often as not it comes off looking like disobedience, civil and/or ecclesiastical disobedience.

Confessio in its classical sense is the forensic counter-testimony of defendants on trial, *martyres*, implying that at that historic moment they—and with them the whole church—have been arraigned on a witness-stand (*in statu confessionis*) by a superior critical tribunal, to all appearances divinely ordained, from whose authority the witnesses must

nevertheless dissent.¹ Such a kairological moment, a fateful time of last resort, is what our tradition, the tradition of the Confessio Augustana, has called "a time for confessing" (*tempus confessionis*) or "a case of confessing" (*Fall der Bekenntnis*). But notice that is always also "a time of persecution: (*Zeit der Verfolgung*).² What is being persecuted is not just the confessors but the gospel of Christ, the body's head. And those who persecute the gospel are secular authorities, though not only those in civil government but in church government as well—those in ecclesiastical positions who have been authorized publicly to speak for and to look like the head in their leadership of his Body. In fact it has been powerful coalitions of ecclesiastical authority with the forces of secular society that confessors have been up against, right within their Christian communions, in the Confessing Church under Nazism, in the Second Vatican Council of the Roman Catholic Church, in the Minjung martyrdoms in South Korea, in the confessional stand against apartheid in South Africa and in the U.S. "Times for confessing," we might generalize, are those singular occasions when Christians have had to disobey secular authority, including the church's own, in order to testify that for the integrity of the church of Jesus Christ his one gospel-and-sacraments is authority enough. *Satis est*.³

What is it about secular authority in the church that is objectionable—though objectionable, notice, only in those rare "times for confessing?" Ordinarily, secular authority does have validity in the church: divisions of labor, chains of command, grading systems, elections and promotions, legal contracts with sanctions, some Christians with titles and fulltime staffs and promotional media and spending power and contacts and above all influence, and some other Christians whom all that authority is meant to motivate or to pressure or even to censure. *De facto* churches could scarcely function without some such secular power.

The objection, even in "times for confessing," is not that secular authority is not sacred. It is, even though it is that "left hand" administrative style in which the Creator merely minors, not majors. Nor is the objection that in secular authority the Creator creates by appealing to sinners' self-interest. That is of course what makes it "secular," a necessity of this outdated *saeculum*, this old aeon, which new-age Christians, however, do not for that reason abandon. The confessional objection is not even that secular authority promotes evil, as it notoriously does, say, in the case of the German churches' anti-Semitism or the South African churches' apartheid. But such evil already stands condemned by just good secular authority, the divine law. It does not first need the

¹ Some of the materials in the section of this essay headed Confession: *Sternutatio Ecclesiae* appeared earlier in my "A Time for Confessing: When Is the Church a Confessional Movement?" in *The Cresset Occasional Papers III*, ed. David G. Truemper (Valparaiso, Ind.: Valparaiso University Press, 1978), pp. 78-85.

² Formula of Concord, Solid Declaration, Article X, 2,3, 10, 25, in *The Book of Concord*, ed. And trans. Theodore G. Tappert (Philadelphia: Fortress press, 1959), pp. 610, 611, 612, 615; Hans Lietzmann, Ernst Wolf, et al., eds. *Die Bekenntnisschriften der evangelisch-lutherischen Kirche*, 6th ed. (Göttingen: Vandenhoeck & Ruprecht, 1967), pp. 1054, 1057, 1062.

³ Augsburg Confession, Article VII, 2, in Tappert, *Book of Concord*, p. 32; Lietzmann, *Die Bekenntnisschriften*, p. 61.

Christian gospel or some doctrinal *status confessionis* or even a churchly trial of "heresy" to define it as sin. Just ask the victims, Christian or otherwise.⁴

There are other, quite ethical modes of combating social sin—other, that is, than something so exotic as a uniquely Christian *confessio*—and these other modes (public outcry, for instance, and organized resistance) are incumbent upon the church but not on the church alone. "A time for confessing," however, *is* a distinctly Christian occasion, since what is there at stake is the priority of the *gospel's* authority, the Creator's major. That is exclusively the agenda of the church, for the defense of which the church may just have to go it alone.

Perhaps in historic fact there is no "time for confessing" which is not simultaneously a time of fierce social oppression, though there might be a time of oppression which is not, in our sense of confessing, a *tempus confessionis*. I am not sure. How about Paul's confessional protest against circumcision in Galatia ("for the truth of the gospel") or Jesus' confessional protest against Sabbath restrictions?⁵ Were those also ethical protests? Maybe. But if so, the ethical concern hardly exhausts the point at issue. The point at issue in "a time for confessing" is that the headship of the body of Christ is being misrepresented, therefore so is the whole body, by an alien kind of ecclesiastical headship—the kind we have called by its traditional (awkward) name, secular authority. Again, there may be nothing wrong with such authority, as such, but there is everything wrong with it as the usurper of the authority of Christ—that is, when what was once allowable in the church as the Creator's minor now assumes, in the church, the operational importance of the Creator's major.

What necessitates confessional protest is the confusing of two very different styles of authority, "secular" with "spiritual," both of them all the more powerful for being grounded in deity. When these become mis-combined, the mis-aligned, mis-prioritized, so that the old creation saps the radicality of the new creation and the law conditions the promise, then we face a *tempus confessionis*.⁶

What distinguishes the one authority from the other is their contrasting approaches to justice or, perhaps more accurately, to righteousness or, more loosely, to fairness.

⁴ Of course in the case of both examples here cited, in the Christian protest against National Socialism as well as against apartheid, the issue does assume the proportion of "heresy" and the confessors see themselves, in so many words, in a *status confessionis*. A copy of the Barmen Declaration of 1934 appears in Julius Bodensieck, ed., *The Encyclopedia of the Lutheran Church*, vol. 1 (Minneapolis: Augsburg Publishing House, 1965), pp. 191-93. On apartheid, see Arne Sovik, ed., *In Christ-A New Community: The Proceedings of the Sixth Assembly of the Lutheran World Federation, Dar-es-Salaam, Tanzania, June 13-25, 1977* (Geneva: LWF, 1977), pp. 179-80, 210-14; relevant documents from the Twenty-First General Council of the World Alliance of Reformed Churches, Ottawa, Canada, 17-21 August 1982, in *Reformed Press Service* 206 (September 1982): 14-17; articles reporting similar actions against apartheid as "heresy" by Reformed, Presbyterians, Methodists, and Anglicans in southern Africa, in *Ecunews* (News Service of the South African Council of Churches) 10 (December 1982): 5-13, 18-19.

⁵ Galatians 2; Mark 2,3; Matthew 12; Luke 6.

⁶ Augsburg Confession, Article XVI, in Tappert, *Book of Concord*, pp. 222-24.

Secular authority, shall we say, is God being fair, giving people what they have coming to them, if not immediately, then sooner or later. But that is the trouble: though we all have a right to be treated fairly, when sooner or later the Creator's final day of fairness arrives, none of us will be able to stand that much fairness. God's secular authority is something we cannot live without, but neither can we live with it. Fair enough it is, but in the end it is just not viable.

Whether Jesus, by contrast, is entitled to upstage God's secular authority depends on whether he can deliver on his promise of a new, viable kind of fairness. By secular standards his fairness is quite unfair at least to himself and to God: he takes what sinners have coming to them (criticism and death) and they receive what he has coming to him (approval and lasting life). This is the strange fairness of "the happy exchange," as Luther and the medievals called it.

It is not that Jesus' followers are exempt from God's day of fairness but rather that they are undergoing that day now, ahead of time, by sharing in Jesus' pre-apocalypse, his already finished death and resurrection. Thus, through their cruciform faith-lives his believers have for all practical purposes trumped the old secular authority by acquiring it in advance, in Christ. Of course Christians' only authority for believing is Jesus' word, as that word has been fleshed out in his cross and Easter and, ever since, in the Pentecostal relay of his gospel and sacraments. That being their lifeline, one can understand why they, the body, are so partial to that one and only authority from their head: *die reine Lehre des heiligen Evangeliums*, "the fresh teaching of the holy Good News."⁷

How can one know when the church's secular authority, which might well have begun as the gospel's servant, has in the meantime expanded into the gospel's partner and finally into its rival? What are the symptoms of such creeping contamination in the head? Answer (as the reformers put it): when the members' submitting to that alien authority is touted as "necessary."⁸ Necessary for what? It is necessary for their own "righteousness," that is, for their basic value and sense of worth, for their status as saints, for their acceptance within the fellowship—in short, necessary for their Christian survival. Even when the church's secular authority does acquire that sort of soteriological (salvational) clout, that might at first seem quite harmless. It might seem down-right admirable, especially if this power which church authority has for enforcing its will—rating its members according to their cooperativeness or their ethical sophistication or whatever, elevating or marginating them accordingly—is exercised precisely to enforce "the fresh teaching of the holy Good News." Can that be all bad, enforcing the gospel by means of the law?

What is not at first apparent is the contradiction: employing retributive sanctions to coerce conformity, whether doctrinal or institutional, when by the very nature of the church that conformity can be gained only by the inherent winsomeness of the "holy good news." Indeed, such enforced, secularized orthodoxy—theological, organizational,

⁷ Formula of Concord, Article X, 10, in Tappert, *Book of Concord*, p. 612.

⁸ *Ibid.*, 12-15, pp. 612-13.

liturgical, moral—may actually impress legalists as desirable, who perceive such a church as having, thank God, "real standards" and as "putting some teeth" in the gospel. Before long, however, such subtle ecclesial secularization—enforcing an unenforceable Christian faith and ethos—brings with it still other standards and conditions that are less integrally Christian though perhaps more heroically pious or elitist or robust: standards of ancestry (genetic or cultural), maleness, literateness, ordained-ness, cleanliness or, for that matter, a normative slovenliness or anticlericalism or antinomianism.

The possibilities are infinite but the sorry effect is the same, to reinstate in the church that reactionary feature of all secular authority: people are to get what they have coming to them, what they have coming to them now being defined by some norm other than the gospel. The indiscriminately merciful authority of Christ, the good news of his happy exchange, is superseded by admission requirements.

Confessional protest has a strongly liberationist ring to it, hence an ethical ring, though the intention is as much soteriological as ethical. Secularized religious authority is a legitimation structure on which people depend for their worth, their plausibility. As such, it can rival the gospel as a value-ascriptive authority. It is then a system of enslavement which can be countered only by the freedom of the gospel, by the gospel's revaluing those who have been devalued, the oppressed, both the undervalued and the overvalued. Another way to say it is to define Christian *confessio* as protesting against gospel-plus. Whenever some other condition or qualification has been added to the gospel, however well-meaning—whether to dignify the gospel or to reinforce it or even to safeguard it—then the gospel has in fact been diminished and subverted. More is less. Or as a Jewish saying puts it, when there is too much, something is missing. Then, as Paul said about embellishing faith with the addition of circumcision, the gospel has degenerated into "another gospel."⁹

The confessors' sternutatory protest, this "sneeze of the church," though it is meant to rid the body of contaminants in its head, precipitates the body to the very brink of death (2). I have it on good medical authority that when we sneeze we are momentarily very close to death. Not that sneezing is mortally dangerous as practiced, though it would be if it lasted longer. For that split second, without air and with blood pressure and spinal-cerebral fluid excessively high, the conditions are fatal if they were to be prolonged. Timing is everything.

Confession is *martyria*. While the term "martyrdom" should not be taken here to connote, as it often does in ordinary usage, an exaggerated, self-pitying sense of persecution, neither should it lose the connotation of extreme—yes, ultimate—jeopardy.¹⁰ Emil Fackenheim, marveling at the defiant faith of the Holocaust martyrs, calls them "witnesses to God and man even if abandoned by God and man."¹¹ That, also for

⁹ Gal. 1:8,9.

¹⁰ See Paul Ricoeur, "The Hermeneutics of Testimony," in *Essay on Biblical Interpretation*, ed. Lewis S. Mudge (Philadelphia: Fortress press, 1980), pp. 119-54; Robert S. Bilheimer, "Social Ethics, Evangelism and the Confessing Act," *Perkins Journal* (Autumn 1981): 28-31.

¹¹ *God's Presence in History* (New York: Harper & Row, 1970), p. 97.

Christian confessors, suggests what their ultimate jeopardy is: witnessing to a God who to all appearances is abandoning them, exactly because of the way they are obliged to witness to him—for God against God.

That confessional risk has longstanding biblical precedent, all the way from Job's "Behold he will slay me: I have no hope; yet will I defend my ways to his face" to Jesus' "cry of dereliction": "My God, my God, why have you forsaken me?"¹² At Augsburg, likewise, the confessors were not unaware of that same risk. As Melancthon reminds his accusers, "Certainly we should not wish to put our own souls and consciences in grave peril before God by misusing his name or Word."¹³

The life-and-death dilemma which confessors face is that the God to whose authority they appeal to vindicate their witness is the same God who has installed their opponents in positions of authority and who seems now to be vindicating that authority instead. In face of that ultimate impasse the only recourse of Christian confessors is the promise of the Matthean Jesus—"So everyone who confesses me before human beings, I also will confess before my Father in heaven"—but also the threat of the converse—"whoever denies me before human beings, I also will deny before my Father who is in heaven."¹⁴ Those two options, and the fact that they are the only options, merely underscore all the more just how high the stakes are: either fidelity or apostasy, either divine acceptance or divine rejection.

Thus, the risks to the confessors, but then also to the body in general, are not just the loss of order or of reputation or even of life but, worst of all, blasphemy. It would be as if, by having to sneeze to clear one's head, one risked losing one's head. As one confessor, Bishop Desmond Tutu, testified on the stand before South Africa's Eloff Commission of Enquiry a few months ago, "The most awful thing that [the authorities] can do is to kill me, and death is not the worst thing that can happen to a Christian." Then what is the worst thing? Tutu explains, "Woe is me if I preach not the Gospel."¹⁵ But if we do preach the gospel, then, in "times for confessing," there is woe, too.

Sneezing is not, contrary to appearances, an over-reaction. Neither is confessing (3). True, confessors have always dramatized their situation as if it were a case in court. As if, behind and above the intimidating secular authorities of church and society, sat some unseen, still higher authority who waits for the witnesses' testimony to be spoken—not into his ear secretly, as in the safety of prayer, but publicly and vulnerably through his world, "before human beings."¹⁶ Indeed, it is only because of that imagined ultimate

¹² Job 13:15; Mark 15:34; Matt. 27:46 (Ps. 22:1).

¹³ See the concluding summary of the Augsburg Confession, Article XXI, in Tappert, *Book of Concord*, p. 47.

¹⁴ Matt. 10:32-33.

¹⁵ Desmond Tutu, *The Divine Intention* (Braamfontein, South Africa: South African Council of Churches, 1982), pp. 35, 28.

¹⁶ It is this character of confession as publicly accountable which, I would think challenges or at least weakens the description of a "confessional" theology which David Tracy appropriates from H. Richard Niebuhr's use of that term, namely, a theology arising within the community of inquiry "of a particular church tradition." *Blessed Rage for Order* (New York: Seabury Press, 1975), p. 15. In modern church

tribunal *coram Deo* that the confessors picture their human critics, their ecclesiastical authorities, as likewise sitting in the forensic role of minijudges, the way a secular magistrate might.

The ecclesiastical authorities, for their part, may well disclaim that that is what they are being, namely, judges, and may attribute such high-flown metaphors to the confessors' own self-dramatizing paranoia. For that matter, there may literally be no ecclesiastical trials, actual forensic proceedings with formal charges and evidence and judicial verdicts. No, the metaphor of the courtroom (or the courtroom word, "confessing") is no more than a theological construct—and no less!—representing the actual human situation according to the perceptions of faith. To call that situation by such a prestigious name, a *status confessionis*, a *martyria*, is to take what is to all appearances a ridiculous and petty ecclesiastical squabble and dignify it with the image of a cosmic tribunal—which in truth it is.

Confessing is no more optional than sneezing. Or it is what William James would have called a "forced option" (4). Before that daunting tribunal it is really the whole church which is being arraigned. Not just the immediate confessors but the church everywhere is here and now being asked, in view of its secular authoritarianism whether it does despair after all of the Gospel's being "enough," --whether it does lust after all for the Gospel to be shored up by other, secular authority. With that as the question, the court waits for a reply. The moment for the church to answer this interrogation, its "time for confessing," is agonizingly short and not postponable. That is quite literally so for the immediate, historic "confessors."

In that fleeting historical moment the ecclesiastical authorities—often miserably inarticulate and without credentials—have no choice but to seize the microphone and to speak for the whole church, to be its *satis*-sayers, and thus to do what otherwise they would never dream of doing, renounce their own authorities, and then only because these were displacing the gospel-and-sacraments. Their confession, of course, includes taking the consequences, although—as Luther reminded—"never in silence."¹⁷ For their answer is too good to be silenced, in view of whose it finally is. "There is," as we sing in that fond old Reformation potboiler, "no other God"—and so no other option.

So non-optional is confessing at those times that, though it cannot be planned for in advance in the church's organizational structure, it must somehow be allowed for, as the Faith and Order Commission's new *Baptism, Eucharist and Ministry* attempts to do: "...There have been times when the truth of the Gospel could only be preserved through

history it may well be those kairological moments of confessing that, just because of their public character, press toward universal significance and do for the church what in earlier centuries was done in its juridical "definitions" of dogma. See Barhard Lohse, *A Short History of Christian Doctrine*, trans. F.E. Stoeffler (Philadelphia: Fortress Press, 1966), pp. 230ff. For a theologically suggestive discussion of "the public realm," "the common," see Hanna Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), pp. 27-78.

¹⁷ *D. Martin Luthers Werke: Kritische Gesamtausgabe*, vol. 28, (Weimar: Hermann Bohlaus Nachfolger, 1883), p. 361, 11, 27f.

prophetic and charismatic leaders...only in unusual ways... The whole community will need to be attentive to the challenge of such special ministries."¹⁸

Considering the odds we can understand why that sort of confessional confrontation is—far more than sneezing is—if at all possible to be averted, nipped in the bud, rendered unnecessary (5). That is why the Body prays, and on rather high recommendation, "Do not put us to the test." "Save us from the time of trial." Not only did Jesus authorize his followers to petition for such exemptions. When faced with his own ordeal, he prayed that that bitter cup of being put to the ultimate test might be spared him as well.

But suppose the confrontation finally turns out to be unavoidable and the offensive testimony simply has to be given and the consequences taken. Then the confessors will have to rivet their attention upon that formidable judge behind the judges and boldly affirm, as they did at Augsburg: "I will declare Thy testimonies before kings and shall not be put to shame."¹⁹ Still, even then the selfsame Luther who added that verse from the Psalter as the superscription over the Augustana retained a godly (shall we say) "confessional restraint." God, he dared to say, would be hard-pressed to get him ever to do it again.²⁰

A current case in point is the peace movement among East German Christians. Some of them are ready to declare nuclear warfare a confessional issue for the church. But many Lutherans there, every bit as much engaged in the same struggle on the same side, are inclined to forestall that next step. Their confessional restraint, so far as I can judge, is due exactly to their recognizing how ultimate the jeopardy is in such a fateful step of last resort—an insight for which they have compelling precedent.²¹

FIDES: INHALATIO ECCLESIAE

So "confessing the faith of the church," as our assignment reads, is not just any constructive, unpolemical airing and sharing of the faith, as natural as ordinary exhaling, but is rather the body's strenuous counter-offensive revolution, like sneezing. But then there is all the more need of faith. Any good sneeze assumes prior, good inhalation, which is the relation of faith is to confessing. What are the marks of such a confessable, preventive faith?

Isn't it true of inhaling (1) that no one else can do it for us, (2) it is only as good as the air a person breathes, and (3) it abhors a vacuum? Isn't much the same thing true of faith?

¹⁸ Faith and Order Paper No. 111 (Geneva: World Council of Churches, 1982), p. 28.

¹⁹ Augsburg Confession, in Tappert, *Book of Concord*, p. 23; Lietzmann, *Die Bekenntnisschriften*, p. 32.

²⁰ *Table Talk*, Vol. 54 of *Luther's Works*, ed. Jaroslav Pelikan and Helmut T. Lehmann (Philadelphia: Fortress Press; Saint Louis: Concordia Publishing House, 1955-), pp. 12-13.

²¹ Paul Bock, "The Nuclear Debate within German Protestantism," unpublished essay presented at the annual meeting of the Society of Christian Ethics, Indianapolis, 15 January 1983.

True it is, no one can do our believing for us (1). Not even the Holy Spirit claims to. Neither should the church. But then it is likewise true, though frequently ignored, that what believing we do—I mean, believing in Christ—we do not by someone else's compelling us or legislating for us or even holding us to some previous covenantal promise of our own.. That would be as extraneous and imposed as artificial respiration, and not the spontaneous, self-involving faith that confesses, “*We believe.*”

Is that what the new Lutheran church will be doing, institutionalizing faith and thus imposing it? We all know we shall have to legislate for our new constitution some doctrinal clause, a "confession," as legally binding and compulsory. But then can that kind of church be "new?" Isn't that rather the style of the old *saeculum*? Maybe, and maybe not. Isn't that what Bonhoeffer worried about in Barth as legislated faith (*Glaubensgesetz*) and what Lutherans generally have deplored as forced faith (*Glaubenszwang*)? Not necessarily, though the danger is enormous, especially if we neglect a fundamental distinction.

But first, before we get to that distinction, we are reminded of how enormous the danger of forced faith is when we recall what was said earlier about confessing. The twin hazards it poses, apostasy and blasphemy, are so fatal that "times for confessing" are conscientiously to be averted whenever possible. So if confessing in that sense is not deliberately to be sought, wouldn't it be the final folly to imagine it could be legislated, let alone programmed? Yes and no, depending on an important distinction.

Anyway, the worst thing about legislated faith is not that it forces us to believe against our consciences, which most of us independent moderns would probably not do anyway. Rather the illusion is created that that sort of socially defined believing—believing what is denominationally expected, under peer pressure, by force of habit and tradition—is all there is to faith, thus confirming the worst suspicions our Roman Catholic critics have harbored about cheap *sola fide*. Then we in turn, sensing the vacuum in such superficial faith—such artificial respiration—might rush to fill the void with...well, what? With programs and causes? "Good works"? Gospel-plus? I cannot imagine a riper, more inflammatory "time for confessing"—from which, good Lord, deliver us.

Isn't it embarrassing that even the Augsburg Confession slips back into the lingo of legislated faith, right in its opening article: "...that the decrees of the Council of Nicaea...must be believed (*credendum esse*)?" As if faith could be decreed! Not really. That unfortunate wording appears only in the Latin text, not in the original German. And all subsequent references to faith, not only in the Augustana but in the whole *Book of Concord* describe faith evangelically as the free response to the fresh good news, including the good news of the Nicene Creed.²² Even the so-called Athanasian Creed, the lowest on church-people's popularity scale precisely because of its legalistic ring, somehow gets reclaimed in our Smalcald Articles as downright winsome, "the sublime articles of the divine majesty."²³ Luther knew how to take liberties where the liberation of believers was at stake.

²² Lietzmann, *Die Bekenntnisschriften*, p. 50, 1.

²³ Smalcald Articles, Pt. 1, in Tappert, *Book of Concord*, pp. 291-92.

It is time to recall a venerable distinction: between unconstrained faith and constrained doctrine. *Lex credendi?* No. 'Not if that means obligating people to believe. But obligating preachers to preach, *lex praedicandi?* Sure. Proclaiming the Word of God, not something else, is what the church has a legal right to demand of me and I have a legal duty to provide. One dimension of my call-ordination is its legality, which within limits is enforceable.

What is not enforceable is faith, either my own or my hearers. Indeed, it is only as a means to that prior evangelical freedom, letting the good news do its own persuading and sinners their own believing (or disbelieving), that church law has a function, albeit subordinate. As a pastor my legal duties are merely a derivative from the church's "right," as our confessions call it: the church's right to have what Christ gave it, his gospel and sacraments, which are gratis, as air is ours for the breathing.

When in the above quotation Melancthon speaks of the churches' "right," superseding even the authority of bishops, he clearly includes local congregations as "churches."²⁴ Is that an argument for congregationalism? I doubt it. What it does argue, though, is that it is the people who are the end of the food-chain and so it is to their feeding by their pastors—that is, to the preaching of the gospel in their hearing and for their own believing—that all the church's other supervisory, teaching, and programmatic authority is subordinate and accountable.

In his "happy exchange" Christ takes responsibility for us, but he does so in order to free us for a whole new responsibility of our own, the response of faith. That, as his new creation, he will let no one else, no proxies, no mercenaries, no paternalism do for us. "We are not longer slaves but heirs." Fostering that sort of free faith amongst the church membership may seem to be inviting trouble, giving the natives restless ideas, tempting them to plot disruptive things like confessing. True, such firsthand, responsible faith does equip believers to spot oncoming "times for confessing" and, if necessary, to take the stand. But that same bold faith is what equips them also to obviate "times for confessing" and so to render confessional protest unnecessary.

Believing like breathing is only as good as the air that a person inhales (2). No amount of pulmonary expanding and contracting can fetch life breath if an individual is not breathing oxygen. So it is with faith. Everything depends on whether the individual receives the Christ of the gospel. Therefore when the topic is "Confessing the Faith of the Church," the implication is not that "the faith " is whatever the church believes and confesses. Churches, including ours, have been known to believe all sorts of nonsense. No, the faith is not the faith because the church believes it. Rather the church believes it because it is The Faith, "the fresh teaching of the holy Good News."

The best faith for the church, therefore, is the kind that clearly identifies the gospel, that discriminates between the gospel and its trappings. It is a faith that is not taken in by

²⁴ Treatise on the Power and Primacy of the Pope, "The Power and Jurisdiction of Bishops," in Tappert, *Book of Concord*, pp. 330-32.

cheap imitations, but one that does develop fastidiously expensive tastes for the very best in gospel teaching and practice. Really discriminating faith, which could mount a *confessio* if necessary and thus knows how to forestall one, appreciates what it is about the classical confessions and creeds of the past that gave them rare immortality. These confessions and creeds were nothing more than the scriptural Word, that "sole rule," ruling history in some later place and time (Nicaea, Chalcedon, Augsburg) in order to bring that new situation as well into captivity under Christ. The confessions are but a biblical echo, Scripture meeting itself coming back.²⁵

Good faith has such a nose for the gospel--the distinctive breath of fresh air--so that faith prizes the gospel even in the Scriptures, namely their "fresh teaching of the holy good news," the Baby whom they swaddle. It is the good news not because it is in the canon; the canon is canonical because it dispatches the good news.

It is only because faith is so preoccupied with the Scriptures' Christian gospel that it presumes to distinguish the Scriptures, Christianly, as those which are "old" and those which are "new,"²⁶ as the confessional statements of all three of our uniting denominations do. That intrascriptural distinction is almost as radically evangelical as the Formula of Concord's, which further distinguishes those "writings of the Old and New Testaments" which are "*prophetic and apostolic*."²⁷ That is something more than the old/new distinction. (After all, the New Testament also has prophets.) "Prophetic and apostolic," I take it, is in contrast to the Mosaic-Levitical ceremonial law, which of course is also Scripture. Exclude *Scripture*? Does that mean then that when faith is so biblically finicky and selective it limits itself to a very small canon? Quite the contrary. True, there is a sense in which, as the Formula of Concord says, the same Scriptures which are the church's "rule, judge and plumb line" are themselves regulated by another, internal *forma doctrinae*, their kerygmatic structure: the good news.²⁸

However, far from reducing Scripture to some minimalist gospel, the Spirited impulse is rather to approach *all* scriptures through the prism of that *forma doctrinae* and to rediscover it—that is, to find Christ—in the most unlikely narratives and passages of the Hebrew Scriptures, even in the ceremonial legislation.

A faith with such cosmopolitan biblical tastes, capable of drawing oxygen from what seemed like smog, converting exegetical sow's ears into silk purses, may make the authorities in the field nervous. It would not be the first time. Remember the religious authorities who, as Jesus observed, searched Scriptures in quest of eternal life. And well

²⁵ Formula of Concord, Epitome, "The Comprehensive Summary, Rule...", in Tappert, *Book of Concord*, pp. 464-65.

²⁶ "Confession of Faith," in *Handbook of the American Lutheran Church* (Minneapolis: ALC, 1979), p. 45; *Preamble to Constitution and By-Laws of the Association of Evangelical Lutheran Churches* (Saint Louis: AELC, 1979), pp. 1-2; Article II, "Confession of Faith," in *Constitution and By-Laws, Lutheran Church in America* (New York: LCA, 1978), p. 3.

²⁷ Formula of Concord, Epitome, "The Comprehensive Summary, Rule...", in Tappert, *Book of Concord*, pp. 464.

²⁸ Formula of Doctrine, Solid Declaration, "A General, Pure, Correct...", P3, 9, 10, in Tappert, *Book of Concord*, pp. 501, 505-06.

they might. But "they are they"—the life-yielding Scriptures, that is—"which testify of me."²⁹ Evangelical scripturalness is a "search" more than a dogma, but the search knows in advance, more or less, for what and whom it is looking for. Such a single-minded sniffing out of the gospel might also, I admit, sniff out not only "times for confessing," but likewise their prevention.

Faith is like deep breathing: it abhors a vacuum (3). The intaken oxygen spreads not only to every cranny of the lungs but through them into the blood and on to the body's remotest tissues, for their response. Similarly faith, churchly faith, will not rest so long as any of the body's cells, its believers, are left out of the action.

Still, isn't that the one issue in the new Lutheran church that--if any issue does--holds the grimmest potential for worsening into a confessional issue among us: that volatile gap between the church and us its professional leadership by whatever crude epithet that gap is coming to be called ("church bureaucracy," "hierarchism," "paternalism," "organizational fundamentalism")?³⁰ For thousands of our fellow-believers won't that be the barometer of our "confessing the faith of the church": how we confess the faith *as* church? But that extends beyond the credal preamble of our constitution into the constitution itself, the structure of how we believe *together*, the participatory body.

Seeing the issue of our internal governance, or foreseeing it, as a confessional issue is not the danger. That may well be the preventive as long as we do so in good time before it is too late. Rather the danger is in seeing that issue merely non-confessionally or sub-confessionally. Then the debate degenerates into the transparent misrepresentations we have seen from our critics in *Reader's Digest* and "Sixty Minutes"--as if the real objection were the churches' social programs, as if the churches' efforts against injustice are ever immune to exploitation. Those critics, of all people, should know that.

Even if their complaint against the churches' "bureaucracy" does come closer to the point, how hollow that complaint rings when in league with military-industrial interests (whether socialist or capitalist) whose own bureaucracies pace all the rest.

But what if the danger in our corporate organization of the church were seen confessionally: for instance, that the organization could become so "necessary," as the reformers said, that ordinary Christians would depend on it to relieve them of responsibility which only Jesus the Christ by his cross can bear for them and he, only so

²⁹ John 5:39.

³⁰ See *The Christian Century's* recent series, "The Churches: Where from Here?" especially the installments on the United Methodist Church (45:29 [September 20, 1978]:850-54, United Church of Christ (45:19 [May 24, 1978]:561-65, the Episcopal Church in America (45:2 [January 18, 1978]:41-47, "northern" and "southern" Presbyterians (45:5 [February 15, 1978]:158-64), The Southern Baptists (45:21 [June 7-14, 1978]:610-15), American Baptist churches (45:12 [April 5, 1978]:354-60), Roman Catholicism (46:2 [January 17, 1979]:42-45. Eric W. Gritsch and Robert W. Jenson, *Lutheranism* (Philadelphia: Fortress Press, 1976), pp. 204-5. Richard G. Hutcheson, Jr., *Wheel Within the Wheel: Confronting the Management Crisis of the Pluralistic Church* (Atlanta: John Knox Press, 1979), pp. 67-149. P. Scherer, ed., *American Denominational Organization: A Sociological View* (Pasadena, Calif.© William Carey Library, 1980), esp. Part Three, "Strain and Change in Denominations."

that they in turn can shoulder their own crosses behind him? What if believers then got the phony consolation that their cross-bearing is all being done for them far more expertly than they, the amateur Christians, could ever manage, and that all that is left for them is to support (above all financially) and to implement the programs which this highly efficient system labors to make easy for them? Thanks to the professional Christians, including seminary professors, who then might even be hired to do the church's confessing. That *would* be something to sneeze at.

To keep such "a time for confessing" from befalling us, lest a whole soteriological, mediatorial system moves in to usurp that glory which the Father jealously reserves to his Son, let the new church say from the outset, also in the order of its common life, that that Son is "ample"—*satis*. So altogether ample is he that he shares his headship with his body altogether.

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