

# The Question of Procedure in Theological Controversies

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This paper does not pretend to be anything like a systematic treatment of some such *locus* of Moral Theology as “*De Controversiis*.” Nor is it intended as an assortment of conceivable *casualia*, or as an attempt to construct Canon Law from precedents. The object is, rather, to treat certain fundamental principles, and to do so with special reference to (1) the democratic, congregational type of church polity with which we are familiar, and (2) genuine, serious theological controversies, rather than mere silly squabbles or purely local agitations.

## I. Truth and Love

It would appear that theological controversies cannot proceed very far before charges of “lovelessness” are raised by one or the other side. It behooves us therefore to examine the relevance and validity of such charges.

It is clear that even the best of Christians daily violate love. i.e. fall short of perfect charity. It is equally obvious that any sort of controversy will tend to excite not only righteous wrath, but also a whole clan of its less noble, carnal cousins! Since this failing would, presumably, be the common property of both sides of any dispute, it is difficult to see how it could be exploited by the partisans of one side! And it is safe to predict that not many will want to assume a sort of divine comedy, or miracle-in-reverse, whereby false doctrine becomes a guarantee of immunity from the propensities of the flesh, so that, given a dispute between the adherents of true and

false doctrine respectively, only the former suffer from the malaise of lovelessness, while the latter are veritable Knights of Charity.

Obviously it cannot be this sort of thing which is meant by charges of “lovelessness.” The real target of the attack seems to be that unbending adamance which is characteristic of the confessional attitude. For genuine Biblical commitment, broad, secular “reasonableness” has neither understanding nor tolerance. The ire of the world and of worldly churchmen is aroused not so much by the divine truth itself—that, after all, could be accommodated somehow in the pantheon of “views”—as by the inconvenient determination of its confessors to take that truth seriously, to live and die by it. Dr. C. F. W. Walther put it this way:

*“It has always been not so much the pure doctrine per se, which has aroused hostility against its representatives, much less is that the case in our indifferent age, but taking it seriously, the exclusive adherence to it, the rejection and condemnation of the opposite doctrine, and above all the practical implementation of this doctrinal position, that is was “which at all times provoked hostility... So also the Cardinal of Salzburg said that Luther’s doctrine ‘he would tolerate, but to allow oneself to be reformed out of a corner (aus dem Winkel), that was not to be tolerated.’ So it still is today. What doctrine isn’t one prepared to tolerate nowadays, if only it will stand peacefully beside the other doctrine! And just those who want to be orthodox accomplish the most incredible fears in this tolerance. Only observe the harmonious relation, which shows itself in the academic colleges, the peaceable sitting together in pastoral conferences, the tone in the reviews!’ (Lehre und Wehre, Jan. 1879, p. 1).*

The world’s love is a curious amalgam of sentimentality, callousness, and expediency. How different from Biblical *agape*! Ibsen put these flaming words into the mouth of Pastor Brand: “What the world calls love I neither know nor want. I know God’s love, and that is not weak and mild. That is hard even unto the terror of death; it offers caresses which leave wounds” (Brand, condensed by Dorothy Hoyer Scharlemann, Act III). True, Biblical love is always dominated

from above. It throws with the crimson of fire and of blood, and has no kinship whatever to the fraudulent pastels of sentimental philanthropy or egalitarian humanitarianism—and their religious counterpart: unionism. Only God may be loved absolutely. The First Table of the Law precedes and determines the Second, as the First Commandment precedes and determines all the others. When this anchorage in God is given up, and the Second Table, or love of Man, is absolutized, then God is no longer love; instead. Love is god! Such “love” is but an egalitarian, relativistic quicksand, which swallows up all distinctions between truth and error, right and wrong. But when objective standards and norms are gone, and the principle, *quod licet Jovi non licet bovi* (what is permissible for Jove is not permissible for an ox), is no longer intelligible, much less workable, such an oozing, undifferentiated “love” easily and quickly becomes an oppressive paternalism, i.e. tyranny. George Orwell, in describing the nightmarish police-state of 1984, adds a masterly touch when he has the horrible, heavily armed “law” enforcement agency called, officially, the “Ministry of Love”!

There is an important sense in which I must love Unitarians and Communists. But this does not mean that I have the right, much less the duty, to admit them into my pulpit. Love and ecclesiastical recognition are neither synonymous nor coextensive. No Christian churchman should dream of complaining when Truth is given precedence over Love, or, more accurately, love for God and His Word over love for man. This relationship is elementary in the Kingdom of God. “Pure love to the individual has its roots in the love to God, love to the disciple in love to the Master, love to the member in love to the Church, and the broader love must be the determiner of and controlling force to the narrower” (C. P. Krauth, quoted in S.E. Ochsenford, *Doctrinal History of the General Council of the Lutheran Church in North America*).

Luther asserts, in his typically blunt way, the supremacy of Truth over Love in countless passages. Here are a few examples:

*“Faith and love are two different things. Faith tolerates nothing, love tolerates everything; faith curses, love blesses; faith seeks revenge and punishment, love seeks to spare and to forgive.*

*Therefore, when faith and God's Word are involved, there can be no more loving or being patient, but only anger, zeal, and scolding. All prophets also acted in this way, that in matters of faith they showed no patience or mercy." (St. Louis ed., V, 38).*

*"Therefore in mere ceremonies love shall be judge and mistress, but not in matters of faith or of the promises of God... Rather, faith shall be lord over love, and to it love shall yield, but faith shall not yield to love" (Theses against the Council of Constance. 1535).*

*"Nothing must be allowed to harm God and His Word. This must take precedence over everything else. All things must be sacrificed for it. Here we must give consideration neither to friend or foe. For this is something that does not belong to us, nor to the neighbor, but to God Himself... Therefore I say to my most bitter enemies: ... Since you do not want to submit to that Word, I will speak this prayer and blessing over you. May God hinder you and bring you to shame! I will gladly serve you, but not when you want to overthrow God's Word. Here you will not prevail upon me to give you one drink of water... The Bible says. Thou shalt love thine enemy and do good to him. But I must be an enemy of God's enemies, lest I attack God with them" (VII, 481).*

*"There are two kinds of sins, the first against the Word, or the Christian doctrine and creed; the other, against love. Sin against the doctrine should in no way be tolerated. But with the sin against love, we should have patience, for in such a sin one acts against the neighbor without any harm to the doctrine or the creed. But where something is done against the Word, the creed, and God's Honor, there one should under no circumstances remain silent, there must be far less patience, and one must oppose it vigorously" XIX, 1182).*

In a day when saccharine "devotional" booklets have displaced the Psalter in the spiritual life of even many orthodox Christians, it is not to be expected that Luther's rugged language will find wide acceptance. Yet this ruggedness was one of Luther's most Christ-like traits! Consider Dr. M. Franzmann's eloquent reminder:

*“Where the Christ is proclaimed, there will always be both, confessors and deniers, for... the Christ is the Christ who sunders and divides... The Messiah is the Prince of Peace... But He brings no cheap peace, half peace, no peace by compromise. He can create peace only by destroying evil; and since men love evil and cling to that which excludes them from the whole peace of God, His coming forces a decision between good and evil and proves to be, for all its peaceful intent, the sundering sword...*

*The division cuts through all human connections and dissolves every nexus that human life knows. And since it is an absolute division, the decision and the renunciation which it involves are agonizingly absolute...*

*This is no soft and mellow Jesus, no pink-and-blue Christ; there is no such Jesus Christ in our records of Him. And these apostles are not suavely robed young saints looking beatific against a bright Italian sky” (Follow Me, p. 96).*

Since our Lord Himself, Perfect Love Incarnate, on occasion acted in ways (cleansing the Temple, for example) which did not, on the surface, make the presence of love apparent, it is clear that genuine, God-pleasing love cannot simply be judged by general outward appearances, such as someone’s experience of embarrassment, unpleasantness, or even acute distress. True love may appear outwardly to be its opposite, while seeming love may turn out to be that false kind which Luther rightly calls “accursed.” Love cannot be converted into a brittle code of external regulations!

It was no doubt for this reason that Dr. F. Piper penned these wise words:

*“The principle all Christians must acknowledge... But not in every particular case may one command a Christian that he must practice love, and much less, in what measure that must happen. That one must leave to Christian judgment” (Vortraege, p. 120).*

In the final analysis love is a mystery of the heart, over which God has not appointed human judges (St. Mat. 7:1). *De occultis non judicat ecclesia*. Only in those relatively rare cases when Scripturally defined external criteria have been breached demonstrably, should a charge of lovelessness be levelled, lest the charge itself be more loveless than the act condemned.

It is clear that in the context of a genuine theological controversy the charge of “lovelessness” is singularly inept, and should never be raised in isolation from the substantive question of the truth or falsehood of the doctrines debated. History teaches us to suspect that he who bases his case mainly on appeals to love, unity, etc., is trying to dodge an issue. Attention should be focused on the objective doctrinal issues, not on the entrails of the participants, which are irrelevant in this connection. After all, when someone claims that there is a bomb aboard an airplane, it is the verification of this allegation, and not the caller's state of mind that is of urgent, immediate, and primary interest.

To conclude this section, here are two quotes, one from Dr. C. F.W. Walther, and the other from a 1935 *Lutheran Witness* editorial:

*“Never has there been so much talk about ‘love’ as in our day. ‘Love’ has become the slogan and watchword of those who claim to be Christians as well as those who do not care to be called Christians. Now what do such Christians mean when they speak about ‘love’? They mean, above all, as they express it, that in matters of faith one must exhibit tolerance, that is, endurance, indulgence, and the spirit of compromise: that one must not be so exact in regard to purity of doctrine, nor criticize the departure from the Word of God as strenuously as was done in olden times; and that we ought, therefore, also recognize those as brethren who are not willing to obey the Word of God in some points, as long as they accept a few especially important articles of faith. But how? Should that really be a true description of Christian ‘love’? Does not the Word of God say the very opposite: “Charity rejoiceth not in iniquity but rejoiceth in the truth”? (I Cor. 13:6). Such Christians (who out of ‘love’ tolerate false doctrine) are like the man who was very liberal and charitable toward the poor. What he gave them, however, he did not take from his*

own goods, but what he had secretly stolen from others. That he openly gave to the poor. For what are those Christians doing but robbing God of His Word, His Truth, His Glory, and thereby giving the impression that they have more love than others (who adhere strictly to God's Word)? Just how little 'love' such people really possess may be seen by their attitude toward those who take them to task for their indifference to the Truth. Against such (true disciples, John 8:13ff), they are mostly filled with rancor, venom, and bitter enmity" (Hausandachten, p. 92, quoted in Lutheran Loyalty, July, 1951).

*"During the Spanish-American War unscrupulous greed led certain men to sell tainted meat; many of our soldiers became ill, suffered torture and a great number died. The culprits were exposed and punished. Was it lack of charity to expose them and to hand them over to justice?*

*... A gang of robbers had carefully planned an armed robbery of one of the banks. They were a notorious band. A few murders did not seem to mean anything to them. By devious ways somebody learned the plot. He exposed it to the authorities. Because of that exposure some of the robbers are dead, while the others are in prison. Was it lack of charity to expose the plot? ...*

*Is it lack of charity to warn against false doctrine? There are some who will most emphatically reply in the affirmative. Is it an act of charity for a child of God to remain silent in order to spare the feelings of people with good intentions?*

*If that be charity, our Savior was most uncharitable... The same thing applies to all the apostles... God Himself makes it the duty of His children to contend for His honor. For those who fail Him in this He has words of the severest condemnation, calling them 'dumb dogs.' ... swayed by the ungodly spirit of unionism, some would not only remain silent themselves, but expect silence on the part of others lest somebody be offended... May God give us true charity!" (L.W. Nov. 5, 1935).*

## II. The Eighth Commandment and St. Matthew 18

There is a certain pietistic tendency to blunt and smother confessional impulses with “the Law of Love.” No one will deny that the phrase has some meaningful and important uses. It may even happen that pastors or church officials and committees feel constrained to administer public rebukes in the name of the Law of Love. But one thing that should not be done with the phrase is to make it the basis of disciplinary proceedings. For that function the expression, by itself, in isolation from other more specific Scriptural injunctions, is entirely too vague and broad. For disciplinary purposes there is no abstract “Law of Love” floating above and beyond all specific commands and prohibitions. Such a construct is dangerously arbitrary and infringes upon the responsible, legitimate freedom of Christian conscience. Devoid of concrete, Scripturally verifiable content can serve only to tyrannize consciences through the imposition of someone’s personal, arbitrary judgments and/or prejudices. As no secular court would accept and act upon a charge of “violation of the law of the land,” without reference to a specific statute alleged to have been broken, so the Church should not countenance any disciplinary action on the basis of a conveniently ethereal “Law of Love.”

The usual purpose of such references to the “Law of Love” is the protection of the reputation and honor of embattled theologians. But this purpose is served much better by referring to the Eighth Commandment, which represents, concretely and specifically, the Law of Love at that particular point. And the procedure of admonition given by the Lord in St. Mat. 18 may be regarded, in this connection, as a subsidiary provision of the Eighth Commandment. The question now arises whether and to what extent theologians involved in controversy may claim protection for themselves and their utterances under the Eighth Commandment. Without entering upon the details of casuistry, it is safe to offer three generalizations:

1. Error has no rights in the Church. With respect to doctrine the Christian Church is not a republic, in which all views enjoy equal rights, but an absolute monarchy, in which all subjects are irrevocably committed to the Word of their divine King, as

promulgated in His Prophetic-Apostolic Constitution. Luther writes, in his comments on the 82nd Psalm:

*“We read that the holy Fathers at the Nicene Council, as soon as they heard the Arians’ doctrine read, hissed unanimously (zischten sie alle eintraeschtiglich) and would not hear it, nor let it be demonstrated or defended, but condemned them forthwith without any debating, as public blasphemers. Moses in his Law also commands to stone such blasphemers, indeed all false blasphemers. So also here one should not make much disputing but condemn such public blasphemy even without a hearing and defense (unverhoert und unverantworter); as also St. Paul commands in Tit. 3, that a heretic is to be avoided, when he has been admonished once or twice; and he forbids Timothy logomachy and disputing, which does nothing but pervert the hearers. For such universal article of all of Christendom have already been sufficiently examined, proved, and decided through the holy Scripture and the confession of the whole of universal Christendom, confirmed with many miraculous signs, sealed with much blood of the holy martyrs, witnessed and defended in the books of all teachers, and need no more mastering and probing (Kluegeln)” (Porra, Pastorale Lutheri, 577-8).*

*Needless to say, this does not mean that hitherto Orthodox theologians may be condemned without a conclusive demonstration that they have in fact fallen into heresy.*

2. Public doctrinal error normally requires public correction, and by no means always necessitates previous personal dealings. Likewise, secret doctrinal error may and must be revealed, with or without personal dealings if the Church’s doctrinal integrity is threatened. “I spake openly to the world: I ever taught in the synagogue, and in the temple whither the Jews always resort; and in secret have I said nothing. *Why askest thou Me? Ask them which heard Me, what I have said unto them; behold, they know what I said*” (St. John 18:20,21).

*“Them that sin rebuke before all, that others also may fear” (I Tim. 5:20).*

St. Paul issued specific rebukes On the basis of the testimony of others:

*I Cor. 1:11: “It hath been declared to me of you...”*

*I Cor. 5:1: “It is reported commonly...”*

*I Cor. 11:17; “I hear that...”*

*I Cor. 15:12: “How say some among you...”*

*I Thess. 3:11: “We hear that there are some...”*

*Cf. also Gal. 1:6 and 4:10 ff.. which record rebukes written, evidently, on the strength of witnesses’ reports.*

The Large Catechism says:

*“All this has been said regarding secret sins. But where the sin is quite public, so that the judge and everybody know it, you can without any sin avoid him and let him go, because he has brought himself into disgrace, and you may also publicly testify concerning him. For when a matter is public in the light of day, there can be no slandering or false judging or testifying; as when we now reprove the Pope with his doctrine, which is publicly set forth in books and proclaimed in all the world. For where the sin is public, the reproof also must be public, that everyone may learn to guard against it” (8th Commandment, par. 284).*

That the various stages of Matt. 18 need not apply to public sins, is an accepted principle of Pastoral Theology:

*“Whenever the committing of a sin has become generally known and public offense has been given, it is not necessary to observe the three degrees of admonition prescribed in Matt. 18” (Fritz, Past. Th. 232). Very interesting is Luther’s statement in his Reply at Worms:*

*“The third kind consists of those books which I have written against private individuals, so-called, against those, that is, who have exerted themselves in defense of the Roman tyranny and to the overthrow of that piety which I have taught. I confess that I have been more harsh against them than befits my religious vows and my profession. For I do not make myself out to be any kind of saint, nor am I now contending about my conduct but about Christian doctrine. But it is not in my power to recant them, because that recantation would give that tyranny and blasphemy an occasion to lord it over those whom I defend and to rage against God's people more violently than ever”* (Bettenson, *Documents of the Christian Church*, 2nd ed., pp. 281-282).

Sometimes a situation arises in the Church which can only be described as conspiratorial. That happened, for example, at the University of Wittenberg after Luther's death, when the Crypto-Calvinists nearly succeeded in destroying the Lutheran Church from within. One of the conspirators, Peucer, wrote a letter to his friend Christian Schuetze, a crypto Calvinistic court-preacher in Dresden. By mistake, or rather by God's gracious direction, as Dr. Walther observes (*Concordienformel*, p. 54), the letter fell into the hands of another, orthodox, court preacher, Lysthen, who promptly transmitted the incriminatory document to the rather naive Elector August, thus at last opening his eyes to the conspiracy. Lengthy private dealings with the conspirators, and perhaps a gentlemanly gesture, such as returning the letter, would clearly have harmed the Church, and were therefore out of place.

The following instructive opinions were considered important enough to be included by Dedeken in his formidable compilation which bears the even more formidable official title: *“Thesaurus consiliorum et decisionum, d. i. vornehmer Universitaeten, hochloeblicher Collegien, Consistorien auch sonst hochgelehrter Theologen und Juristen Rath, Bedenken, Antwort, Belehrung, Erkenntnis, Bescheid und Urtheil in und von allerhand schweren Faellen, in Druck gegeben durch M. Georg Dedekenum. Hamburg, 1623.”*

In Vol. 1, pp. 864-865, an opinion by the ministerium of Riga is given regarding the question whether public sin must first be verified before being rebuked. This is vigorously denied,

with the argumentation that John the Baptist did not ask Herod what he had done (he might have denied it), but condemned his public sin, as also Nathan did with David.

In Vol. II, p. 296, we have, beside a citation of Scripture's approval of spying for a good cause (as in the land of Canaan), the following opinion by Luther:

*“Whether sin and evil, or else secret things from which evil is to be feared, may be reported by a good Christian to the spiritual or temporal authority, according to the nature of the matter, or whether that is to be considered a betrayal?... it is no sin, but praiseworthy, when known and offensive sin and evil deed, or secret things from which evil can come, are brought before those before whom it belongs, such as authorities, spiritual and temporal, parents and teachers and the like... Thus Joseph brought before his father that there was an evil rumor against his brothers, Gen. 37:2. To David it was reported that everyone's heart followed Absalom, and what other designs he had against his father, Il Sam. 15 and 17. Mordecai brought before King Ahasuerus that two chamberlains sought to lay hands upon the king, Esther 2:22. Saint Paul's sister's son brought the conspiracy which some Jews had made against him, before St. Paul, and through him to the captain; thereby Paul's life was saved. Acts 23:16ff.*

*“Such revelations of secret evil designs and deeds, whereby great damage can be prevented, are a piece of Christian love... Therefore one may not regard it as betrayal...”*

And only last year the Texas District (Missouri Synod) Board of Appeals rendered an extremely significant decision (Texas District Praesidium vs. Pastor Francis Machina) which asserts:

*“It is our judgment that the defendant has produced sufficient proof to sustain the position that personal confrontation is not always necessary, not even with respect to Matt. 18, when the matter is public. Authorities cited are Scripture, Walther's Pastoral, Fritz' Pastoral Theology, Luther's Large Catechism, and authorities in Synod. “Therefore it is our opinion that an offended brother may well publicly attack a public matter without personal confrontation.”*

*This does not mean that contentious, censorious individuals are free to snatch up casual remarks of otherwise orthodox teachers and forthwith to broadcast them, together with invidious interpretations. Misunderstandings can easily occur, and even when some casual aberration of an otherwise orthodox theologian is real, genuine fraternal consultation offers the greatest hope of success.*

The undersigned is convinced that some of the violent theological convulsions overseas are traceable, in part, to a certain unimaginative smugness in the past, coupled with an extreme and myopic brittleness and fussiness which fails to distinguish between divine truth and mere ecclesiastical tradition, the divine content and the particular historical form (though these terms are horribly abused nowadays). *Speaking the Truth in Love*, although designed to promote a disastrous theological fallacy regarding Church Fellowship, nevertheless contains at least one very valid paragraph:

“When the *Lutheran Witness*, in 1931, complimented a congregation on making its quota for Synod, a conference took note of the fact that this congregation had no parish school and that therefore “the entire tone and scope of said article is out of line with Synod’s accepted principles. The conference asked the *Witness* to make proper explanations. From the editorial reply, ‘I notice a growing tendency to elevate certain time-honored attitudes to the rank of principles, and then to make these principles serve almost as tests of good Missouriianism or even of Lutheranism. I look with some alarm at such a free use of the term “Synod’s accepted principles” as it occurs in your letter. I would caution against using such a line of argument whenever something has been done that displeases a brother. I would, of course, not take notice of this phrase, if I had not seen some very sincere and also intelligent brethren suffer reproach because of some deduction that was made which involved him in conflict, with the “standards of our Synod.” The more of these yokes we hang upon the brethren, the more we shall produce a reaction of liberalism and radicalism... There must be utter freedom of expression and action,

all governed by the principle of love, wherever the Word of God has not spoken the decisive word'.”

Orthodoxy, far from being narrow, sterile, dead, etc., actually possesses a vast and thrilling catholicity of perspective, whose breathtaking grandeur dwarfs the tiny, confining superficialities of the ephemeral *isms*! We do the Church and her orthodox Faith a distinct disservice when we act as though the divine truth may be uttered only in one stereotyped way, and must be compressed into only one mold of devotion. The gifts of the Spirit are many and varied, but they all exist to edify the one Body. We must not be afraid of a healthy variety of expression—the New Testament itself is the best example of the strikingly different ways in which the one Gospel can be put—even while we jealously guard the continuing identity of our proclamation with the Apostolic, Biblical *depositum fidei* and with the unbroken teaching tradition of the orthodox Church.

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