TEACHING AUTHORITY IN THE LUTHERAN TRADITION[1]

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A fine theory is a fine theory. Every tradition holds to some sort of teaching authority and understands this approach to be the best. The question is how theory works itself out in practice. More importantly, the question is how theory works itself out in a crisis.

In the early centuries of the church Christians chose to die rather than offer a sacrifice to the image of the emperor. Those Christians are honored as martyrs and saints. Yet at the same time they are looked on as oddities. Surely they were being hyperzealous! Surely God would not condemn them for such a trivial act as offering incense to the emperor! Surely a way could have been found to understand offering to the emperor as something less than apostasy! For what would a person possibly die today? Very little. Christians die because they become ill or are accidentally killed in Christian service, to be sure, or because they are known to be Christians and are caught. But who would intentionally choose to be a martyr and, what is even more improbable, who would intentionally choose to die for dogma? Fanatics, like the supporters of the regime in Iran?

Yet what if the Christian faith were to be attacked? What if a common Christian standpoint needed to be discerned? Would the Anglican or Lutheran traditions respond? The answer is not automatically "yes." It is unpopular to talk about heresy. It is unpopular, faced with claims by other religions, to assert that the Christian faith has outer limits. It is popular to affirm diversity and diversity without discernible limits. It is popular to hold a "game" theory of truth based on a sociological understanding of reality.

But, using the principle of falsification, if there is no error, there is no truth. If heresy does not exist, true doctrine also does not exist. Even though it is no longer acceptable to use anathemas, to affirm is also to deny, and, if nothing is rejected, nothing is confessed. The same holds for moral teaching.

Therefore the important and difficult question is not whether the Anglican or Lutheran traditions would respond, for failure to respond would mean abandoning their Christian identity, but instead whether the Anglican or Lutheran traditions could respond. Response is not easy. The modern church is swimming in a sea of relativism, of contexts without end. Even Arius, the archheretic, may be seen, in context, as one who had a legitimate concern.[2] "Whatever is" is right, for this is how things have developed. What is left but to find unity in despair, to muddle through, and to hope for a new Reformation? Or, at a time when authorities have been swallowed up by context, does hope lie nevertheless in shoring up the classical authorities in spite of contexts? Can these classical authorities still serve?

Christ alone. Christ is the truth.[3] Thus truth is a person, a very different view of truth. All Christians agree that Christ alone is the final authority; the problem is that "Christ alone" as the final authority is like an empty vessel which each Christian tradition fills its own way. For this reason "Christ alone" does not function as an authority in anything except a vague, symbolic

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[1] An unpublished paper for the Lutheran/Episcopal Dialogue III, 1986.

[2] George Lindbeck, *The Nature of Doctrine. Religion and Theology in a Post-liberal Age* (Philadelphia: Westminster, 1984) 108-109.

[3] John 14:6.

sense.

Cross alone. Paul wrote that the Jews wanted miracles and the Greeks wisdom, but that Christians hold to the folly of the cross and that he was resolved to preach nothing except Christ and him crucified.[4] The cross has been the central symbol of the Christian faith and clearly has been a rock of offense, separating Christians from non-Christians. At the same time it must be admitted that Paul uses "the cross alone" within a very specific context in I Corinthians and that various understandings of the death of Christ on the cross exist within the New Testament, such as propitiation, redemption, reconciliation, and victory.

Church alone. Images of the church abound in the New Testament, principally the church as the body of Christ and as the people of God, the family of God. Difficulties arise when attempts are made to derive from the New Testament a definition which would be *iure divino* and agreed upon by all. Greater difficulties arise when attempts are made to determine where the church is to be found among all the many and various churches in the world.

Canon. The Bible is often understood to be the only rule and norm, the *norma normans non normata*, the canon. Another expression for this is *sola scriptura*. The diversity within the Bible was already recognized in the patristic period.[5] In the nineteenth century Ferdinand Christian Baur brought out the development and diversity within the New Testament.[6] In this century Ernst Käsemann has described how the New Testament canon is the mother of all the diverse confessions.[7] Thus what is meant by the New Testament as canon has always been delimited by an understanding of the diversity within the New Testament. Furthermore, in spite of claims made for the priority of the canon, the church has always been aware of the complicated and lengthy history of the development of the canon.[8] The canon clearly was not established by the church, but, on the other hand, the canon was clearly not historically prior to the development of the "great" church.[9]

Luther took *sola scriptura* as his slogan, yet what he meant by *sola scriptura* is "*was Christum treibet*"; he did not have a wooden view of the authority of the Bible. "If adversaries use scripture against Christ, then we put Christ against the scriptures."[10] We are to "refer the Bible to Christ...nothing but Christ should be proclaimed."[11] For Luther, Christ is the canon, not a formal literalism. The Lutheran *Book of Concord* has the same basic understanding: this is shown by the fact that so-called apocryphal books are characterized as *scriptura*.[12]

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[4] I Cor. 1:23; 2:2.

[5] Cf. Helmut Merkel, *Die Widersprüche zwischen den Evangelien. Ihre polemische und apologetische Behandlung in der Alten Kirche bis zu Augustin* (WUNT 13; Tübingen: Mohr, 1971).

[6] Ferdinand Christian Baur, *Die christliche Gnosis oder die christliche Religionsphilosophie in ihrer geschichtlichen Entwicklung* (1835); *Paulus. der Apostel Jesu* Christi (1845).

[7] Ernst Käsemann, "The New Testament Canon and the Unity of the Church," *Essays on New Testament Themes* (SBT 41; London: SCM, 1964) 103.

[8] Cf. Werner Georg Kümmel, *Introduction to the New Testament*, (tr. H. C. Kee; Nashville, New York: Abingdon, 1983) 475-510.

[9] Uncertainty about the extent of the New Testament canon was first brought to an end by the letter of Athanasius in 367. In the Western church it is possible that action was taken by a synod in Rome as early as 382; an African synod at Hippo Regius clearly adopted the canon of Athanasius in 393.

[10] WA 39/1:47, 19-20; *LW* 34:112. *Thesen de Fide*, 1535.

[11] WA 16:113, 5-9. *Sermons on Exodus*. 1524-1527.

[12] Ap 21:9; *BC* 230; BS 318: "Nevertheless, there is no passage in Scripture about the dead praying, except for the dream recorded in the Second Book of the Maccabees (15:14)"; cf. Ap 4:277, 279; *BC* 148-49; BS 215.

Claritas is understood by Luther as either internal or external, depending on the polemic situation.[13] Against the wooden literalism of the Schwärmer he asserted the internal clarity of Scripture, an internal clarity led by the Holy Spirit, which might mean "Christ against the scriptures." Against the other extreme, those claiming Scripture is ambiguous and therefore in need of an external teaching office, Luther asserted the external clarity of Scripture. Yet here too the eternal word is not purely formal authority, for the external clarity of Scripture is authority only as through the Holy Spirit it points to Christ. A striking example of Luther's viewpoint is found in the prefaces he wrote to individual books in his translation of the New Testament; moreover, books which do not point to Christ were placed separately at the end of the New Testament exactly as apocryphal books of the Old Testament were put in a separate group at the end of the Old Testament. Some Lutherans, to be sure, hold that the "inerrancy" of Scripture is the test of being faithful to the Lutheran tradition. Others, however, affirm that

> because God justifies the ungodly, forgiving sinners for Christ's sake, nothing else can be trusted for salvation. Neither Scriptural inerrancy nor, even less, the infallibility of the Church's teachers, teaching offices, and doctrines is the basis of the Christian's confidence.[14]

Creed. Creedal fragments and tests of faith are found within the New Testament itself. "Jesus is Lord" may be the earliest. An early test of faith is whether Jesus came in the flesh.[15] Creeds developed for various reasons,[16] among them to be norms for the faith, and they have continued to function as authorities. At the beginning of the Book of Concord Lutherans have the Apostles' Creed, the Nicene Creed, and the Athanasian Creed.[17]

But what kind of authority does a creed really have? The "*homousion*" of the Nicene Creed was used variously in the period around 325 A.D. Paul of Samosata is reported to have held at the synod of Antioch in 268 A.D. that the Word was "*homoousios*" with the Father. Origen, Dionysius of Alexandria, and Dionysius of Rome used the term in its generic sense, meaning homogeneous, of the same (kind of) nature, and this is what the fathers at Nicea must have intended to underscore. Yet some Western bishops understood the term to mean *unius substantiae*. And "...quite soon after the council we find Eusebius of Caesarea accusing Eustathius of Antioch (one of its ardent champions) of reading a Sabellian meaning into the word."

> There is thus a sense in which it is unrealistic to speak of the theology of the council. While different groups might read their own theologies into the creed and its key-word, Constantine himself was willing to tolerate them all on condition that they acquiesced in his creed and tolerated each other.

The Cappadocians held to "*homoousios*" but came to understand it in the sense of Athanasius.[18] The question is: which meaning of "*homoousios*" is binding, the one held by the fathers at Nicea or

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[13] Cf. Rudolf Hermann, *Von der Klarheit der Heiligen Schrift* (Berlin: Evangelische Verlagsanstalt, 1958); Friedrich Beisser, *Claritas Scripturae bei Martin Luther* (Forschungen zur Kirchen-und Dogmengeschichte 18; Göttingen: Vandenhoeck & Ruprecht, 1966).
[14] "Lutheran Reflections," *Teaching Authority and Infallibility in the Church* (Lutherans and Catholics in Dialogue 6; ed. P. C. Empie, T. A. Murphy, and J. A. Burgess; Minneapolis: Augsburg, 1980) 62.
[15] I John 4:1-4.
[16] Oscar Cullmann, *Les premières confessions de foi chrétienne* (1943).
[17] *BC* 17-21; BS 21, 26-27, 28-30.
[18] J. N. D. Kelly, *Early Christian Doctrines* (2nd ed.; New York: Harper and Row, 1960)118, 235-37, 252-55.

the one held by the later church? If Nicea, is every possible meaning acceptable, or the meaning held by the majority? If the later church, what standing does Nicea have?

Lutherans do not include Chalcedon among the creeds printed at the beginning of their *Book of Concord*. A bit of oral history about Karl Barth may nevertheless be in order. For him Chalcedon is one of the great touchstones of the Christian faith, and Lutherans would agree with this judgment. Once in a seminar when Barth was stressing the historicality of all dogmatic formulations, a smart aleck challenged this, asking whether historicality was to be applied even to Chalcedon. Shattered and in visible agony, Barth finally responded that even Chalcedon is subject to the vagaries of historical context. But, he added, a person should be very cautious at this point.

Just as unity in liturgical practice does not guarantee unity in spirit, so unity in creedal formulation does not guarantee unity in spirit. Roman Catholics, Anglicans, and Lutherans confess the Nicene Creed, but each applies a different hermeneutic and as a consequence the traditions differ. Precinding from the problem of the "filioque," the same is true for the Eastern Orthodox.

Consensus quinquesaecularis. Lutherans take tradition very seriously, as can be demonstrated by looking at the index to the Book of Concord, the volume by Flacius entitled *Catalogus testium veritatis*,[19] or the indices to the writings of the classic Lutheran Orthodox dogmaticians.[20] Calixtus is especially noted for affirming the *consensus quinquesaecularis*.[21] Therefore it is evident that Lutherans hold the Holy Spirit continues to guide the church after the closing of the canon.

No one, however, should confuse Lutheran devotion to the fathers with *sola traditione*. Nor do Lutherans have romantic notions about the great "undivided church," for even though criticisms might have to be leveled against Ferdinand Christian Baur,[22] Walter Bauer,[23] and Robinson and Koester,[24] the thesis of an undivided church in the first centuries does not stand up under historical scrutiny. At times, it must be admitted, Lutherans have repristinated the first centuries, just as they at times have repristinated the seventeenth century. Finally, however, although Lutheranism profited from the humanists' insistence that one go back to the sources (*ad fontes*), Lutherans have insisted that all tradition be subject to *was Christum treibet*.

Charisma. According to Paul each person has a particular charisma.[25] Difficulties arose, as is well known, when some claimed to be superior and to have greater authority.[26] In response, Paul appealed to "weakness" as his authority[27]: Authority lies finally in the power of the gospel, not even in his own apostolic charisma.[28]

As the church developed and faced crises, teaching authority was understood to reside in certain places, sometimes because apostles had been martyred there, and then in certain persons following

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[19] Published in 1556.

[20] See especially Johann Gerhard, *Loci theologici* (1610-22).

[21] 1586-1656. He was, to be sure, vigorously attacked by Orthodox Lutherans.

[22] See n. 5 above.

[23] Walter Bauer, *Orthodoxy and Heresy in Earliest Christianity* (2nd ed.; Philadelphia: Fortress, 1971).

[24] James M. Robinson and Helmut Koester, *Trajectories through Early Christianity* (Philadelphia: Fortress, 1971).

[25] E.g., Romans 12:4-8; I Cor. 12:12-30; cf. John Koenig, *Charismata: God's Gifts for God's People* (Philadelphia: Westminster, 1978).

[26] II Cor. 10-13.

[27] II Cor. 12:7-10.

[28] Gal. 1:6-8; cf. 2:5, 14; Rom. 1:16-17.

in their train and as a consequence receiving a charisma of teaching authority through the Holy Spirit. The most radical example is papal teaching authority as defined at Vatican I in 1870; under very specific conditions the pope in Rome has a special charisma which guarantees that his definitions of faith and morals are infallible.[29]

Bishops have also been understood to have a charisma by which they guarantee the teaching of the faith, particularly when they act in concert with other bishops. This has not been part of the Lutheran tradition. Lutherans have not been opposed to episcopacy, but bishops have no other authority than that of the gospel.[30] The prince may become an "emergency bishop" if the regular bishop teaches anything contrary to the gospel.[31] As Lutheranism developed, attempts were made to establish teaching authority juridically, especially when controversy arose. Notable attempts were the controversies leading up to the Formula of Concord in 1577, within Lutheran Orthodoxy in the seventeenth century, and within Lutheran neo-confessionalism in the nineteenth century.[32]

Lutherans have had their share of little popes and suffer continually from the tradition of "Herr Pastor." But they are committed to the view that the office is dependent on the gospel rather than the gospel is dependent on the office.[33] "The Church knows no absolute *adiaphora* just as it knows no absolute form."[34] Even in the Old Testament teaching authority is not guaranteed *a priori* through charisma or office.[35] Therefore Lutherans are troubled whenever language is used which seems to indicate that the bishop or minister because of his or her office "guards" or "ensures" the teaching of the faith in a way that is different from "guarding" and "ensuring" by every member of the faithful. To put it in classical Lutheran terms: we cannot guard the Word, for the Word alone judges and frees us.[36]

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[29] Kilian McDonnell, "Infallibility as Charism at Vatican I," *Teaching Authority and Infallibility in the Church* (L/RC 6: Minneapolis: Augsburg, 1980) 270-86.

[30] CA 28:23; *BC* 84; BS 124.

[31] Eric W. Gritsch, "Lutheran Teaching Authority," L/RC 6:140; cf. Lewis W. Spitz, "Luther's Ecclesiology and His Concept of the Prince as Notbischof,"' *Church History* 22 (1953) 113-41.

[32] E. Gritsch, "Authority," L/RC 6:138-48.

[33] George Lindbeck, "The Lutheran Doctrine of the Ministry: Catholic and Reformed," *Theological Studies* 30 (1969) 611.

[34] Edmund Schlink, *The Theology of the Lutheran Confessions* (tr. P. Koehneke and H. Bouman; Philadelphia: Muhlenberg Press, 1961) 267.

[35] Cf. Deut. 13:1-5; Jer. 28:5-9.

[36] Lutheran experience has not been that the historic episcopate has been an unambiguous sign and safeguard of continuity. During the first generation of the Reformation no bishop stood on the side of the freedom of the gospel, with the exception of Georg von Polentz, Bishop of Samland, and Erhard von Queiss, Bishop of Pomerania, both from eastern Prussia. In spite of some claims, bishops in Münster and Sweden cannot be claimed at this point to have stood on the side of the freedom of the gospel. In the 1930s during Hitler's rule no Lutheran bishop stood up with the Confessing Church, with the possible exception of Bishop Wurm, who showed what with regret must be called weak opposition to Hitler. On the Roman Catholic side things were no better, with Bishop von Galen parallel to Wurm. To what extent did the Tractarians think that Episcopal bishops had been unambiguous signs of the gospel in the period just before that movement began? In the conclusion to "Authority in the Anglican Communion," by the Primates of the Anglican Communion in 1981, it states that "the episcopate has a **particular responsibility for teaching the faith**, for encouraging, promoting and **maintaining** the proclamation..." (*EB* 48, p. 4; Rodgers p.12; emphasis added). The 1982 General Convention of the Episcopal Church, in explicating the Chicago-Lambeth Quadrilateral, states that "Apostolic ministry exists to promote, **safeguard** and serve apostolic teaching...the historic episcopate as **central** to this apostolic ministry and **essential** to the reunion of the Church...Bishops in apostolic succession are...the **focus** and personal symbols of this inheritance and mission as they preach and **teach**..." (Rodgers, Appendix B; emphasis added). Cf in BEM: "safeguards" (M 23); "guardians" (M 34c); "preserving" and "guardian" (M 35); "guarding" (M 36). It is true that in BEM Episcopal succession is "a sign, though not a guarantee"'; when this use of the word "sign," however, is traced throughout the BEM text (e.g. B14, E5, 15, M41, 43), it is clear that "sign" does not mean "merely symbol" but "effective, sacramental sign" and therefore that which in a real sense does guarantee, including *ex opera*

Council. In the Roman Empire regional councils were held annually, and the church tended to follow suit. The church, to be sure, maintained the pious fiction that it was following the pattern for a council set in Acts 15 and that spiritual unanimity will always be achieved.[37] Modern scholarship has shown that, in spite of what is mandated by present-day canon law, "ecumenical" councils have not fit any set pattern.[38] The "Robber Synod" of 449 A.D. conforms to canonical requirements, whereas the decisions of the local synod at Orange in 529 A.D. have become determinative for the Western church, at least. "Conciliarism" has been considered both a boon and a bane.[39] Usually bishops have attended, but non-bishops also have voted.[40]

As is well known, Luther appealed to a free, ecumenical council. He did not, however, appeal to a free, ecumenical council in the sense of modern Roman Catholic canon law but in the sense of the German Diet.[41] Councils, like the papacy and all human institutions, are fallible.[42]

In varying ways the conciliar principle continues to operate within Lutheranism. At times, as in the ALC, local congregations must vote on changes to the constitution of the church. National conventions have a kind of conciliar authority, yet it is understood, even if not mandated, that basic theological decisions are the result of consensus and not of a two-thirds or majority vote.[43] At present the teaching authority of the LWF, a "council" of Lutheran churches throughout the world, is disputed; some would hold that the LWF is more than a clearing-house and that as such it can speak in some way for all its members.

Theological faculties have played a particular role for Lutherans. The Reformation, after all, was born in a university. From time to time Lutheran faculties have been asked to make theological judgments (*Gutachen*).[44] Thus theologians play definite roles in the teaching authority (*magisterim*) of the church.[45] But in no way, it must be noted, are such theological judgments considered to be binding or infallible.

Confessions. Lutherans pride themselves in the Book of Concord, a collection of disparate items which are the confessional basis for the Lutheran tradition. As already mentioned, three ecumenical creeds are placed at the beginning. Most Lutherans accord particular authority to Luther's two catechisms and the Augsburg Confession, and the remaining items in the Book of Concord are considered to be a valid interpretation of the CA and the catechisms. Lutherans take confessional subscription very seriously. No additions have been made to the Book of Concord since it was adopted in 1580, although in 1952 the Batak Lutheran Church was allowed to join the

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operato, and that "not a guarantee" only means that an absolute, automatic guarantee eliminating God and faith is not intended.

[37] Cf. Acts 15:28.

[38] Cf. especially Jedin and Küng.

[39] Hans Schneider, *Der Konziliarismus als Problem der neueren katholischen Theologie* (Arbeiten zur Kirchengeschichte 47; Berlin, New York: de Gruyter, 1976).

[40] Abbots, who are not necessarily bishops, are also invited to ecumenical councils.

[41] Ch. Tecklenburg-Johns, *Luthers Konzilsidee in ihrer historischen Bedingtheit und ihrem reformatorischen Neuansatz* (Berlin: Topelmann, 1966).

[42] On Councils and the Church, *LW* 41:9-178.

[43] For the LCA, see Gritsch, op. cit., 147; for the ALC, see Warren A. Quanbeck, "The *Magisterium* in the Lutheran Church," L/RC 6:155-56; for the LCMS, see Quanbeck, ibid., 153-54. A recent move of importance within some Lutheran churches has been the use of surveys or polls in order to establish what Lutherans believe.

[44] See Quanbeck, op. cit., 151-52.

[45] Roman Catholic/Lutheran Joint Commission, *The Ministry in the Church* (Geneva: LWF, 1982) 22-23, ## 54-55.

LWF at the Assembly in Hannover without subscribing to the CA and the catechisms but on the basis of a confession which the Batak Church wrote and which was considered to be the equivalent of the CA. For example, in spite of hopes in some quarters, the Barmen Theological Declaration of 1934 has not been given confessional status by Lutherans.[46]

In 1580 the Book of Concord was adopted by many Lutheran leaders, but no one can claim that it was adopted by a council or a diet. Not only do Lutherans distinguish between the more authoritative and the less authoritative writings within the Book of Concord, but they also distinguish between the Book of Concord and Scripture as the final authority. Moreover, confessional subscription does not bind Lutherans to every historical allusion or every exegetical turn found within the Book of Concord. And when Lutherans face doctrinal affirmations such as "the world is growing worse,"[47] "*semper virgine*,"[48] and the pope as "anti-Christ,"[49] here too they turn to *was Christum treibet* as the key to understanding the *Book of Concord*.

Consensus fidelium. Other terms for describing this mode of teaching authority are *sensus fidelium*, *receptio*, and *lex orandi lex credendi*.[50] The church is indefectible,[51] and therefore in some sense the life of believers continuing throughout the centuries must be an authoritative expression of the truth of the Christian faith. Such authoritative teaching, theologians speculate, is based on the collective experience of lived truth, "popular pious belief," "a sense of the truth," a subliminal suprarational "spiritual sixth sense" that causes the believer to discern instinctively.[52] In the Smalcald Articles Luther affirmed the decisive importance of "mutual conversation and consolation,"[53] and within the Lutheran tradition the way to reach authoritative theological decisions has always been through theological debate, through consultation and confrontation in public, in the classroom, and in print. Within the Anglican tradition as well, the concept of "dispersed authority" includes the "criticism and response" of the faithful "as playing a vital part in the work of the Holy Spirit in maintaining the Church in fidelity to the Apostolic Gospel."[54] More formally, Lutheran churches in Europe have been involved in a process of "receiving" the Leuenberg Agreement, and, as part of the "reception" process for BEM, Lutherans have been asked to respond at many levels.[55]

In an attempt to develop the implications of the emphasis at Vatican II on the "people of God," Roman Catholic theologians in recent years have also made frequent use of *sensus fidelium*.[56] Already Newman in a famous essay, *On Consulting the Faithful in matters of doctrine* (1859),

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[46]The Barmen Theological Declaration is included in the Book of Confessions of the United Presbyterian Church in the United States of America.

[47]CA 23:14; *BC* 53; BS 89.

[48] SA Part I; *BC* 292; BS 414.

[49] SA Part II, Art. 4; *BC* 300; BS 430.

[50] Cf. Gerhard Sauter, "Konsens als Ziel und Voraussetzung theologischer Erkenntnis," *Theologischer Konsens und Kirschenspaltung* (ed. P. Lengsfeld and H. G. Stobbe; Stuttgart, Berlin, Cologne, and Mainz: Kohlhammer, 1981) 54-61.

[51] Cf. Matt. 16:18; John 14:26; 16:8, 13-14.

[52] J. M. R. Tillard, "*Sensus Fidelium*," *One in Christ* 10 (1975) 9, 14, 16.

[53] SA Part III, Art. 4; *BC* 310; BS 449.

[54] *Ecumenical Bulletin* 48 (1981) July-August, 4; Rodgers, 12-13.

[55] Each Lutheran church is responding very differently; the ALC, for example, has developed an extensive process reaching most arenas of church life; the LCMS will respond through its "Committee on Theology and Church Relations."

[56] Cf. *Lumen Gentium* 12, 37; *Dei Verbum* 8, 10.

pointed out that the faithful had a sure sense of the truth of the faith.[57] And Roman Catholic theologians note that both before 1854 and before 1950 the reigning popes surveyed the Roman Catholic bishops of the world in order to find out what was believed about the Immaculate Conception and the Assumption respectively. In 1870 at Vatican I, however, just before the promulgation of the dogma of papal infallibility, the phrase *ex sese*, *non autem ex consensu eccesliae* was inserted into the dogmatic constitution *Pastor Aeternus*.[58] Roman Catholic apologists have attempted to make the case that this phrase was inserted in order to stamp out the last vestiges of Gallicanism and therefore that the *ex sese* does not exclude the *consensus fidelium* even though the *consensus fidelium* cannot in turn be made a juridical requirement.[59] But Roman Catholic historians do not support this interpretation; at least what the bishops at Vatican I intended by inserting the *ex sese* was to eliminate any possible threat to the final teaching authority of the pope.[60] For this reason Roman Catholic speculation about the *sensus fidelium* must always be done within strict limits.[61] Thus Ratzinger has recently pointed out that the *sensus fidelium* is to be distinguished from the *sensus fidei*; the *fideles* "are those who maintain the *sensus fidei*," which requires "a continuity in the community of faith which links the contemporary church to the apostolic church." The *sensus fidelium* is not an independent *locus theologicus*.[62]

The difficulty lies in discerning where the *consensus fidelium* lies. With all due respect to organic development and to moral unanimity,[63] development has been diverse from the very beginning. How does one discern which developments are cancerous and which *iure divino*? Even the understanding of "cancerous" and *iuro divino* has developed. Usury was once a mortal sin; now it has become a necessity. If the festival of the Assumption falls into disuse, as seems possible, will this change the dogmatic status of *Munificentissimus Deus*? Or does one use radical reinterpretation (*a la* Rahner on the Assumption),[64] a reinterpretation which discovers possibilities acceptable to all but unimagined by the original authors (*sensus plenior*),[65] to achieve consensus? Are there then any outer limits to the tradition at all? What is to prevent the cult of Joseph, alive among pious circles in Canada, fostered by the fact Pius XII created the festival of Joseph the Carpenter for May 1, and assisted by the decision of John XXIII to elevate Joseph into the Canon of the Mass, from becoming, after sufficient time has elapsed, a major dogmatic tradition? The dogma of the Assumption has no stronger roots.

Nor can recourse be had by appealing to the majority. At Nicea in 325 A.D. and in the succeeding decades Athanasius did not stand with the majority of the bishops.[66] Perhaps today, one might fantasize, it would be possible by means of a computer hookup to discern at a particular moment where all the believers in the world stand on a specific doctrine. Immediately objections arise. How would it be possible to discern who are truly "believers"? Since every doctrine is equivocal and subject to interpretation because every doctrine has a specific context, would all the believers

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[57] That the faithful did not follow their bishops and that one can establish historically, without Gallup, what the majority of the faithful believed are both historical constructs.

[58] DS 3074.

[59] Cf. G. Dejaifve, "*Ex sese, non autem ex consensu ecclesiae*," *Salesanium* 24 (1962) 283-95; H. Fries, *Ex sese, non ex consensu ecclesiae*," *Volk Gottes* (ed. R. Baumer and H. Dolch; Freiburg: Herder, 1967) 480-500.

[60] See Joseph A. Burgess, "The Historical Background of Vatican I," *L/RC* 6, 295-96.

[61] *Lumen Gentium* 25; *Dei Verbum* 10; *Mysterium Ecclesiae*, AAS 65(1973) 398-400.

[62] Joseph Cardinal Ratzinger, "Dissent and Proportionalism in Moral Theology," *Origins* 13 (1984) 668.

[63] Acts 15:28.

[64] Karl Rahner, "Interpretation of the Doctrine of the Assumption," *Theological Investigations* (London: Darton, Longmen & Todd, 1961)1:215-28.

[65] Cf. Raymond E. Brown, *The* Sensus Plenior *of Sacred Scripture* (Baltimore: St. Mary's University, 1955).

[66] Cf. Kelly, op. cit., 237-55.

of the world, each within his or her own context, understand a specific doctrine in the same way even if everyone pressed the button labeled "yes"?

Conscience. At Worms Luther appealed to conscience,[67] and he has been made into a hero of conscience. Today conscience is often made into the final authority for faith and morals. As Jiminey Cricket sang in Pinnochio: "...and always let your conscience be your guide." But for Luther conscience was always subject to the word of God.[68]

Luther also appealed to reason, although he did call reason a "whore."[69] What Luther objected to was thinking *ad modum Aristotelis*, that is, using reason to be the final authority for the Christian faith instead of *was Christum treibet*.[70] At the present time as we have become more aware of the history of logic, the logic of Aristotle based on contradiction, the analogical logic of Peter Ramus, the Hegelian walz beyond contradiction, and the unreal worlds of symbolic logic, we are less likely to appeal to reason as a final authority in matters of faith. Reason, like conscience, is just as subject to historicality and sin as any human institution.

Conduct. The final temptation is to say "by their fruits you shall know them,[71] and as a consequence the "saints," however they might be defined, become the arbiters of faith and morals.[72] Lutherans are committed to good works,[73] but they are also concerned about legalism. Only the Lord judges the heart, and whatever is done is done *simul iustus et peccator*. Furthermore, how is it possible to discern which teachings of the saints are authoritative?

The Lutheran *magisterium*. Each tradition has a *magisterium*, a teaching authority, a way of establishing what is normative, a method for guaranteeing its own teaching. In every case this amounts to a hermeneutic. As Lutherans struggle with the problem of teaching authority, they are hardly monolithic, yet a commonality exists. At times, of course, they fall into false doctrine, particularly that salvation depends on pure doctrine.

For Lutherans Jesus Christ is the final authority. By the power of his Spirit he authenticates himself and his gospel. Such authority is raw authority, for it is not delegated. He retains his Lordship. Thus final authority is eschatological; he will come again to judge both the living and the dead. We are to "let God be God,"[74] but we continually try to circumvent letting God be God by substituting our own false gods in his place.

What then is Lutheran teaching authority? Lutheran teaching authority is found in the particular hermeneutic used by Lutherans. Lutherans confess that for the true unity of the church all that is required is that the gospel be purely preached and the sacraments be rightly administered.[75] At first glance this might seem to imply that what is required is right doctrine and that salvation depends on believing right doctrine. To the contrary, salvation is by faith alone in Jesus Christ alone. The purpose of the Lutheran hermeneutic is to ensure that the promise of salvation by faith alone in

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[67] The exact words used by Luther are disputed, but scholars agree on his main points.
[68] George W. Forell, "Luther and Conscience," *Bulletin*, Lutheran Theological Seminary in Gettysburg 55 (1975) 3-11.
[69] WA 39/1:175,18-20; 10/1,1:326, 16.
[70] WA 56:116; *LW* 25:103; WA 56:354; *LW* 25:343.
[71] Matt. 7:19.
[72] Joseph Cardinal Ratzinger, "Bishops, Theologians and Morality," *Origins* 13 (1984) 661-62.
[73] CA 6; *BC* 31-2; BS 60; CA 20; *BC* 41-5; BS 75-83a.
[74] The title of a famous book on Luther's theology by Philip Watson.
[75] CA 7; *BC* 32; BS 61.

Christ alone remains promise, that salvation is not through any human work, that the eschatological guarantee of "faith alone" remains an eschatological guarantee.

Lutherans have tended to describe this hermeneutic by means of slogans or *propria*, such as justification by faith, properly distinguishing law and gospel, Christ alone, grace alone, faith alone, the cross alone, and Scripture alone. The slogans themselves do not guarantee salvation, and Lutherans do not insist on any one formulation. For example, Lutherans do not insist on the metaphor "justification" if another expressing the same concern can be found. All of the *propria* really describe the same concern, and this concern is the sole task of the *magisterium*. The task of the teaching office is not to provide "truths" to be believed but guidelines so that the proclamation of the promise through word and sacrament truly remains promise, so that sin remains sin, grace remains grace, and faith remains faith, so that the gospel remains the gospel. Proper *usus* allows the truth of the gospel to be the truth of the gospel.

> The gospel, so to speak, establishes its own transcendence. Its truth becomes known and its authority acknowledged only upon being heard through the Word, received in the sacraments, and believed through the power of the Spirit.[76]

Put another way, no dogmatic formulation guarantees the gospel just as no office by word or action has the power to guarantee the gospel. The word of promise establishes itself.

Why is the promise needed? Why must promise be promise? Because of sin and the seriousness of sin, or, in more traditional language, because we are slaves to sin, death, and the power of the devil. But thanks be to God, we have been freed from sin, death, and the power of the devil through faith in the promise that Jesus Christ died and rose for you and me. And why should faith in this promise be the final authority? If you ask me "why," my proper response is to proclaim to you the promise that for Christ's sake all your sins are forgiven. Because this promise is the answer to your need, which is sin. And if you again ask why *this* promise, I will try to proclaim the promise to you again. For it is in the proper *usus* that final authority lies. Our problem is not finitude but sin, and the cross alone shows us what sin really is and God's answer to sin. Therefore we proclaim the promise that Jesus died and rose for you and me. In this way we come to live, as seen from a (sinful) human point of view, *sub contrario,* paradoxically, not by reason or experience but by faith, in an eschatological tension *simul iustus et peccator*. It is summed up by the sentence Lutherans used to memorize as children from Luther's explanation to the third article of the Apostles' Creed: "I believe that I cannot by my own reason or understanding believe in Jesus Christ my Lord or come to him, but the Holy Spirit has called me through the gospel..."[77] This is the metatheological proposal which Lutherans make to the church catholic.

But what of traditional Lutheran concern for the data and doctrines of the Christian faith? Did not Luther, when he was debating with Erasmus, state: "Take away assertions and you take away Christianity"?[78] Lutherans are well aware of the importance, as well as the historicality, of all dogmas, doctrines, and theological prepositions.[79] Yet a careful distinction must be made

> between faith as trust in the divine promises and those aspects of the faith of the

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[76] "Lutheran Reflections," L/RC 6:62.
[77] SC, The Creed, The Third Article; *BC* 345; BS 511-12.
[78] WA 18:603; *LW* 33:21.
[79] George Lindbeck, "The Reformation and the Infallibility Debate," L/RC 6:314-16, note 27.

Church which are responses to the divine promise through confession, action, teaching, and doctrinal formulations. These responses are necessary: the gospel (the promise of God) does indeed have a specifiable "knowledge" content. But the authority of this content, Lutherans believe, is established by its power to convict of sin and convince of grace through the work of the Holy Spirit and is not enhanced by saying that the teaching office or doctrinal formulations are themselves infallible.[80]

Is the Lutheran *magisterium* effective? Do the promises remain promises as Lutherans proclaim the gospel through word and sacrament? Lutherans would be the first to admit that Lutherans fail and then would continue by asserting that for this very reason the Lutheran hermeneutic is needed.

At the same time effectiveness can be shown by evident efforts to teach the beginner, admonish the one who wavers, and exclude the one who persists in error. Lutherans have not been content simply to wait for things to work themselves out, although we surely make use of theological osmosis and the old boys' network. We are quick to point out doctrinal deviation and have at times used formal means for investigating error; in our own defense, one must be quick to add, it must also be noted that we are very much aware of the possibility that accusations of heresy may be based merely on a person's own pride of place or on the fear of change. The LCA has not had a heresy trial for several decades. In the not too distant past one ALC faculty member was accused of heresy, and the matter was taken to the council of district presidents, which, after a hearing, declared that no heresy existed.[81] More important for an understanding of teaching authority within the Lutheran tradition are two recent cases in Germany. In the early 1950s a pastor in Württemburg, Richard Baumann, declared that he believed in the primacy and infallibility of the pope and that the Lutheran church should also hold that the pope is supreme and infallible. He demanded that the church hold a trial to determine whether his view of the doctrine of papal supremacy and infallibility was true or not. The trial was held, but the church refused to rule on the doctrine of the papacy. Instead, Baumann was suspended and given a pension until he should change his viewpoint (*in Wartestand* instead of *in Ruhestand*).[82] More recently a pastor in Hamburg, Paul Schultz, openly taught atheism. Like Baumann he demanded that the church rule on the truth of certain theological prepositions. At the trial the church pointed out that Lutheran teaching authority did not include making pronouncements about the truth or falsity of theological propositions as such. Schultz was, to be sure, dismissed for not proclaiming the gospel.[83]

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[80] "Lutheran Reflections," L/RC 6:63; cf. Forde, L/RC 6:135-37.

[81] During this past generation the LCMS has been involved in a series of investigations into heresy within the synod.

[82] Cf. *Gutachten der Ev.-Theol, Fakultät über die ihr vom Württ. Ev. Oberkirchenrat vorgelegten Äusserungen des Pfarrers R. Baumann--Möttlingen,* Tübingen, 15.2.1947 (Typewritten); "Entscheid des Spruchkollegiums im Lehrzuchtverfahran betreffend Pfarrer i. W. Richard Baumann. Erlass des Ev. Oberkirchenrats vom 7. August, 1953, Nr. A. 9609," *Amtsblatt der Evangelischen Landeskirche in Württemburg* 35, Nr. 36(1953) 445-54.

[83] The Acts are available in bound, xeroxed form.