Evaluation of Grabau's *Hirtenbrief*[1]

by Gotthold Heinrich Löber
with
C. F. Gruber and C. F. W. Walther
(July 1843)
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Evaluation of the preceding *Hirtenbrief* that its author required of us.

Dear Brother in the ministry, beloved in Christ!

We rejoiced heartily in God's gracious help, by which he brought our brother Brohm[2] and his family safe and sound not only to you in Buffalo, but now also, as we see in the New York state newspaper, to New York [City] itself. Our dear travelers reported what a warm, friendly reception they found in your precious home and your congregation. We believe that it greatly fosters our mutual connection and fellowship to have become better acquainted through someone from our midst, and to have received now the happy assurance that you, too, dear brother in the ministry, want to give us the friendly gift of a visit in the coming year if at all possible. May dear God remove all hindrances out of the way for you to carry out your intention. Or, since it is easier for us than for you to have a neighboring pastor stand in for us in our official duties for a few weeks, perhaps one of us could make a trip to you, although in that case not all of us would have the joy of getting to know you personally.

There would be so much to discuss and confer about together which will be hard to replace with a written exchange. How important would be the single matter of an educational and training institution that we could establish jointly to train future teachers of our congregations! After the departure of our brother Brohm it is primarily just this matter, so important to us all, which prompted me[3] and my brother, Pastor Gruber, to make the trip here to St. Louis (where I am writing this letter) to discuss it with our brother, Pastor Walther, and his congregation.

During the repeated consultations that we have had about this with Pastor Walther and his

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1 The text used for this translation is that found in *Der Hirtenbrief des Herrn Pastors Grabau zu Buffalo vom Jahre 1840, nebst den zwischen ihm und mehreren lutherischen Pastoren von Missouri gewechselten Schriften, der Öffentlichkeit übergeben als eine Protestation gegen Geltendmachung hierarchischer Grundsätze innerhalb der lutherischen Kirche*, printed in New York in 1849. The same publication contains Grabau's initial *Hirtenbrief*, Grabau's rebuttal of this evaluation, and further documents from the dispute. This translation was originally published in *Soli Deo Gloria: Essays on C. F. W. Walther in Memory of August R. Suelflow*, edited by Thomas Manteufel and Robert Kolb. [St. Louis: Concordia Publishing House, 2000]. Permission is granted by the translator for reproduction of this electronic version for research, personal, or classroom use, provided the text is unchanged and the translator is properly identified.

[2]Theodore Julius Brohm, one-time private secretary to Bishop Martin Stephan, was a co-founder of Concordia College in Altenburg, Missouri. He taught there until 1843, when he was called to serve Trinity congregation in New York City as pastor.

[3]This response to Grabau's first *Hirtenbrief* was penned by G. H. Löber (1797-1849), who was pastor of the Saxon congregation in Altenburg, Missouri at the time. He indicates that he was assisted by C. F. Gruber and C. F. W. Walther while the three were meeting in St. Louis in the summer of 1843.

congregation, mention was naturally made of the wish expressed in your last letter[4] that such an institution might soon be established in mutual association of your congregations and ours. Certainly I do not need to assure you what a great comfort and joy such an association (to which may God in grace grant his blessing!) would be to us and to our congregations, as well.

But such a union for such a purpose will only be blessed when we have come to a more comprehensive understanding than has until now been the case about this and that point of our faith and confession, upon which we want to build in the unity of the Spirit.

Specifically we have owed you up to now a deeper treatment of the content of your *Hirtenbrief* dated December 1, 1840, which you most kindly shared with us. Not only did Pastor Krause[5] remind us of that very emphatically half a year ago, and now again a few weeks ago, but also during these days the congregation here urged us to come to an understanding with you about a few points of that *Hirtenbrief*. A closer discussion of this has been neglected in the letters we have exchanged since then, which concerned some other matters that took precedence at first.

We have therefore applied ourselves diligently while we are together now to study your *Hirtenbrief* carefully, just as you urged us to do. We ask you to accept with fraternal love what we, together with our dear brother, Pastor Walther, have learned from God's word and Luther's doctrine. We lay it before you in the present document for further review, and ask you to share it with Pastor Krause as soon as possible, with friendly greetings from us.

If we were to give a summary evaluation of the content of the *Hirtenbrief*, it seems to us that, in the first place, with regard to the old church orders that you emphasize so much, what is essential gets confused with what is nonessential, divine with human, so that Christian freedom is restricted. Secondly, however, it seems that you attribute more to the office of the ministry than is due, and that thereby the spiritual priesthood of the congregations is diminished.

But let us follow the order of your letter. You want to explain the meaning of Article XIV of the Augsburg Confession and specifically show what belongs to the "*rite vocatus*." In your statement of what prompted your *Hirtenbrief*, we first encounter a questionable expression in which we perhaps misunderstand you. This need not long delay us. You say that your sectarians there are willing to recognize the necessity of the call for the public teaching office, but not for the *priestly part of it*[6] that has to do with the administration of the holy sacraments.

From that you seem to imply that you regard the administration of the holy sacraments as the characteristic thing of the *priestly* office, which you think of as distinct from the teaching office. Indeed, it

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[4]This does not refer to Grabau's *Hirtenbrief*, but to some other correspondence.

[5]Leberecht Friedrich Ehregott Krause, a native of Silesia, was associated with Grabau's immigrant community, and served as pastor of those who had settled in Wisconsin from about 1843 until 1847. He seems to have been an eccentric and controversial figure. Cf. Philip von Rohr Sauer, "The Rev. L. F. E. Krause: A Paradoxical Pioneer Pastor." *Concordia Historical Institute Quarterly* 68. 2 (Summer 1995), 80ff.

[6]In every case, emphasis represented in this translation by italics is original.

even seems that you place the administration of the sacraments as the *main part* of the spiritual office, even above the teaching office. When you list the requirements for one who is *rite vocatus*, you speak for the most part only of the ability to administer the sacraments; and under point 3 you say, "after that one has them serve, i.e. administer sacraments and help in pastoral ministry." Now it may be that these expressions came about merely from the fact that those separatists sought to divide the administration of the holy sacraments from the public teaching office, and that therefore in this instruction on the office of the ministry you spoke *predominantly* about the administration of the sacraments as one part of that office. But if this is not the case, then we must remind you that the real main part of the priestly office is rather the preaching of the gospel, to which holy baptism (which, by the way, even a lay person can perform in an emergency) and the holy supper are only attached as seals. Because when the holy Scripture speaks of the office of shepherd as for example in the Pastoral Epistles, it speaks almost exclusively of teaching and preaching. Even the apostles call their office a diakoni/a tou= lo/gou, that is, a service of the word (cf. Luke 1:2), or an office that *preaches reconciliation* [2 Cor. 5], an office for which one must be able to *teach* (2 Tim. 2:2), and many other proofs. Therefore, in opposition to many dangerous inferences which one could draw from a rather Old Testament — or even seemingly papistic — emphasis on the liturgical functions of our office, we take the liberty of referring to a passage of Luther[7] which says:

> From this you see that the proper office of a priest is to preach the gospel, which is nothing else than a public proclamation of God's grace and forgiveness of sins. This is commanded by Christ himself, to proclaim in public, generally and everywhere, and to give to all who believe in him. And this is called the proper office of the New Testament: to be given, to have and to carry out this mandate and office from Christ, to proclaim forgiveness of sins; and thus such a priestly office actually belongs to Christ, and springs and flows from him. For he himself is also the only person for whose sake we are given God's grace and forgiveness. So he began and carried out on earth in his own person this public office of preaching the gospel, and commanded the apostles to spread out into the whole world until the last day. He himself, the High Priest, is the one from whom alone this preaching office proceeds and also whom alone it preaches, so that no priesthood should exist or be valid in the New Testament apart from him, or which preaches otherwise than about him.[8]

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[7][Translator's note: Löber always cites Luther from the Walch Edition (very likely using Walther's set, which is still in the collection of the Concordia Historical Institute in St. Louis), which was later reprinted as the very popular "St. Louis Edition." He indicates volume and page, without indicating the work from which the citation is drawn. For convenience, I will here give the references as found in the more accessible St. Louis Edition (StL), giving also the title and year of the work in question. If the cited work is included in the American Edition (AE), a cross-reference will be included. But the translations of Luther here are in every case my own.]

[8]StL 5:1021 (= AE 13:317-318), "Interpretation of Psalm 110" (1538/39).

[Löber adds the following notes:]

Further *ibid.* [StL 10:1592 (= AE 40:3), "How One Should Elect and Install Ministers. To the Council and Congregation of the City of Prague" (1523)]:

To be specific, we would address the following statements to the whole first part of your treatment, which state our understanding of the doctrine of the Lutheran church on the point in question: (1) A preacher of the divine word is *rite vocatus* when his entry into the office has happened in a way that violates neither the divine order nor the existing human order.

(2) The divine order that is pertinent here includes, in the first place, that the *vocandus* have the unadulterated confession of the pure doctrine, the testimony of a blameless life, and the necessary teaching gifts. And secondly it requires that everything be conducted in an orderly way with his call into the office, namely that he be examined beforehand, that he be really called by the congregation, and that he be installed in his office according to the ecclesiastical order existing in the congregation. See Luther's testimony about this:

> They themselves teach their own laws, that that bishop is properly consecrated who is consecrated by a *Simonico* or heretic. Indeed they consider proper what is done in office by the most shameful pope, such as Boniface VIII, Julius II, or Clement VII, yes, even if the devil himself had done it. For it all depends on whether the church and the bishop are one, and whether the church hears the bishop, and the bishop teaches the church. If it has happened like that, then the laying on of hands blesses, confirms, and bears witness to the fact, just as a notary and witnesses bear witness to a worldly matter, and as the pastor who blesses a bride and groom confirms or bears witness to their marriage, that they have already taken each other and publicly so announced. Whether the pastor is an angel or a devil, the bride is blessed because the office has been carried out.[9]

(3) Thus, as certainly as he may not come into the office contrary to order (thus, for example, may not force his way into the office against the will of the congregation), just as certainly the manner of the *human* order by which he comes into the office is nevertheless only an *external, nonessential* thing that can differ in different times and places. Ordination is thus to be retained as a praiseworthy and beneficial

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Now when the office of the word is given to someone, he is also given all other offices which are performed through the word in the churches, that is the authority to baptize, to bless, to bind and to loose, to pray and to judge or decide; so that the office of preaching the gospel is the highest of all, for it is the real apostolic office which lays the foundation for all other offices which build upon this first one, such as the offices of teachers, prophets, rulers, and those with the gift of healing, as Paul orders them one after the other.

Further *ibid.* [StL 10:1548f (= AE 39:314), "That a Christian Assembly or Congregation Has the Right and Power to Judge All Teaching and to Call, Appoint, and Dismiss Teachers, Established and Proven by Scripture" (1523).]:

Thus he on whom the preaching office (*Predigtamt*) has been bestowed has been given the highest office in Christendom; according to it he may also baptize, conduct mass, and carry out all pastoral ministry; and if he does not want to, then he can remain with preaching and leave baptizing and other subordinate office to others, as Christ did, and Paul and all the apostles, Acts 6.

[9] StL 17:114, "Example of Consecrating a True Christian Bishop" (1542).

general ceremony received from the earliest Christian times, but not as an express divine command; rather, as with Sunday worship, it is accepted simply for the sake of unity and good order. And since it is merely *publica testificatio* for the fact that the call, as the essential part in the appointment of a preacher, is correct, the *confirmatio* and the *introductio pastoris* etc. are really a nonessential part that can occur or not, according to the circumstances. But where they are customary in a country, based on ancient or more modern church order, and are not connected with anything that conflicts with the word of God, there one should retain them, not because they belong necessarily to the matter, but because one should be subject to all human order for the Lord's sake.

Let us now compare these statements of Lutheran church doctrine, as far as we have investigated them from their sources, with the standards you listed as necessary requirements for a proper call to be regarded as divine in the church. Here we must recognize a significant mixing of the divine with the human, the essential with the nonessential. In this way (at least according to the thesis) the freedom of consciences is necessarily restricted, and a work left to freedom is made into a conscience-binding condition. Specifically, dear brother in the ministry, you set up the old church orders unconditionally, and without any consideration for consciences, as the proper and exclusive rule and standard, according to which the "*rite*" in a call *must* be regulated and ordered. In doing so you appeal to the place in the Apology of the Augsburg Confession that says "*We are inclined to retain old church orders*." To this we answer: if the Reformers had wanted to make a conscience-binding rule out of the old church orders, would they have said, "we are *inclined* to retain them," or would it not, as in your *Hirtenbrief*, say instead, "we *must* hold to them"? That this, however, was not at all the meaning of the Reformers can be sufficiently seen, in part from other passages of the symbolical books, and in part from testimonies of Luther from the very same year in which the Augsburg Confession and its Apology were written. For Article XXVIII of the Augsburg Confession teaches explicitly that even the apostolic church orders (e.g. the covering of women's heads in the assembly, abstinence from blood and strangled meat, etc.) neither *had been* kept nor, if the righteousness of faith should suffer thereby, *may* be kept. Just so the Formula of Concord says in the Solid Declaration, Article X, *De ceremoniis ecclesiasticis*:

> At the same time this concerns the article of Christian liberty as well, an article which the Holy Spirit through the mouth of the holy apostle so seriously commanded the church to preserve, as we have just heard. As soon as this article is weakened and human commandments are forcibly imposed on the church as necessary and as though their omission were wrong and sinful, the door has been opened to idolatry, and ultimately the commandments of men will be increased and be put as divine worship not only on a par with God's commandments, but even above them. [Tappert, p. 613]

Compare also in this connection the clear and decisive testimony of Luther:

> Let this be enough to say for the present time about the mass and communion. What remains usage and work will teach us, if only God's word be preached sincerely and faithfully in the churches. For it bothers us little if some would desire that one should preserve this whole order with writings and examples from the fathers, because we have said above that one should deal freely in this without any coercion or compulsion, and it is not proper to take captive the consciences of Christians either with laws or commands. Thus also Scripture orders nothing final about these things, but rather the freedom of the Spirit leaves it to the conviction of one's own opinion, according to the circumstances of

> places, time, and persons. Thus also the examples of the fathers are obscure, but one knows from them that they are so various that nothing certain is to be concluded or enjoined from them, because they, too, used their freedom. And even if they were all alike certain and unanimous, we would nevertheless not be put under any law or coercion to follow those examples.[10]

Still stronger is the testimony:

> In summary, this and all other orders are to be used in such a way that, when it becomes an abuse, one abolishes it right away and makes another. Just as King Hezekiah broke and abolished the bronze snake that God himself had commanded them to make, because the children of Israel misused it [2 Kings 18:4]. For the orders should serve to foster faith and love, and not to harm faith. Now when they no longer do that, they are already dead and void and no longer have any validity, just as when a good coin is counterfeited, and is withdrawn and changed because of the abuse. Or as when new shoes become old and pinch, they are no longer worn but thrown away and others are bought. Order is an outward thing, no matter how good it may be, and can slip into misuse; then it is no longer order but disorder. Therefore no order stands and has any validity for its own sake, as until now the papistic ordinances have been regarded, but rather the life, worth, power, and virtue of every order are its proper use; otherwise, it has no validity and benefit at all.[11]

Here Luther wants to see even the church orders, no matter how good they may otherwise be, "*abolished right away*" if a detriment to faith arises from their abuse.

Now since the Reformers let stand those old church orders for their time, albeit without making them into a binding law for their successors, it would obviously be a most damaging misuse of those orders if we wanted to retain them as "*necessary*" and "*belonging to divine order*" and present them to our congregations as binding.

Thus we do not by any means despise those orders, much less are we enemies of *good Christian order generally*. But it is our opinion that these always grow forth voluntarily in every truly Christian congregation as a *fruit* of true faith without compulsion, and that every genuine member of the congregation would gladly and willingly submit to them *NB for the sake of unity and love*. But *the question of which specific* church order are to be introduced for this or that particular case must not only be left to the circumstances, but also must above all be grounded upon clear agreement in the doctrine of Christian freedom. It is, indeed, not the main matter but always only an adiaphoron based on the command to love one's neighbor.

In this connection it is also clear that it is not even *possible* to hold to the old church orders everywhere. "Scarcely any of the ancient canons are observed according to the letter," says the Apology,[12] "and many of the regulations fall into disuse from day to day even among those who observe such

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[10]StL 10:2253 (= AE 53:37), "A Way to Hold Christian Masses and Go to God's Table" (1523).

[11]StL 10:257 (= AE 53:90), "The German Mass and Order of Service" (1526).

[12]Actually not the Apology but the Augsburg Confession, XXVIII:67 [Tappert, p. 67f].

ordinances most jealously." We have already shown above with several examples how the reformers had to drop much of this sort of thing from the ancient church. Surely we do not need to prove how much we, for example, here in America have to drop from the old Lutheran church orders, e.g. concerning the whole structure of representation. But even if it were possible to combine all the old church orders into one and to introduce it among us, the damage would be undeniably greater than the benefit — if it were taught, even to some extent, that it had a binding force, or even that one could and must preserve the church and truly serve God in this and no other way. For then the accusing word of the Lord (Matthew 15:9) would strike us: "They worship me in vain; their teachings are but rules made by men." As with the Galatians, the way of faith, even though still taught, would nevertheless at the same time be perverted and Christian freedom would be buried. May God preserve us from such danger!

Now let us turn to a few specific points regarding the requirements in the first part of your *Hirtenbrief*. We note (a) that under points 1 and 2 you are speaking more of the *inner* call to the office of the ministry, about which, first of all, Article XIV of the Augsburg Confession, with its "*rite vocatus*," seems to say nothing. For this article does not intend to speak about what must be considered with respect to the candidate, whereby it needs to be determined *whether one has the gifts of the Holy Spirit for the office*, and whether one is truly converted. But in such matters the church very easily errs, even though it can, and indeed must, test the spirits; yet the *rite vocatus* nevertheless has its validity. If, however, one wants to speak here of at least a negative sign by which the one being called and the one calling can determine the divine will, then according to Luther's teaching it would be this: that the one to be called ought not to run and pursue the office, but rather that he let himself, as it were, be coerced into the office by those authorities that have the power to call him. Though there are also cases, however seldom, when one can *desire* the office of bishop out of godly zeal. A testimony of Luther is found in his works:

> Since we have said that no one should teach in the congregation unless he is called by God to do so, and that everyone should be aware that it is God's call, then take note of this: That is God's call when one is urged and called over, and even against his will through the authority of his superiors, whether spiritual or secular. For there is no authority except from God, as St. Paul says. Therefore, what both government and authority command is not in doubt, for God himself commands it. Thus we read in the Old Testament that no story or history turned out well where one did not ask God first, and where one did not receive ahead of time an answer, either through an angel or through a human being. For we read in Numbers with what little blessing the children of Israel fought without God's command; the same thing we see also in the Maccabees. Dear friend, do not doubt that God will surely seek you out when he wants you, indeed he will send down an angel from heaven to lead you to it. And I maintain that this is the reason why nowadays neither bishops nor pastors nor monks teach the word of God in the church, because there is scarcely any of them who waits for God's call, but rather they all together run and chase after parishes and pulpits, sinecures and benefices, idleness and a full belly. Thus at this time not only monks but also bishops and pastors either are in despair, or lead a lazy and easy life. You will understand this divine call in no better way than by paying attention to the stories of holy Scripture and of all holy men in the church. For those who have taught by God's call have always done great things, such as the holy Augustine, Ambrose, and before them the holy apostle St. Paul.

> But so that I cause no one grief again, I speak of those who come to preach and teach the word of God. These I say should diligently pay attention to the fact that they are sent by God, as St. Paul says in Romans 10:15: "How can they preach unless they are sent? As it is written, 'How beautiful are the feet of those who proclaim peace, who bring good news!'" And Malachi says: "The priest's lips should preserve doctrine, so that one may seek the law from his mouth, for he is an angel (that is, a messenger) of the Lord Almighty." About the others, however, who come to either episcopal honor or benefices or other such priestly or spiritual positions, who do not bother about the preaching office I do not consider it necessary that one should be called. Nowadays people seek nothing in such positions but a special way of serving God, in which, in St. Paul's opinion, "Each has his own gift, one in one way, another in another way."
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> Nevertheless one should not reject those who pluck up the courage from a good and godly opinion. They strive neither after their own advantage and pleasure, nor after their own praise, nor after a good, soft life. Instead, they are only interested in teaching and preaching God's word, although such are rare birds. Indeed one should praise such men, as St. Paul says in 1 Timothy 3.[13]

(b) With regard to point 3, we cannot confirm, either in the practice of the ancient church or later, that candidates for the office of the ministry also administered the sacraments simply on a trial basis, that is, without yet having the office itself.

(c) With regard to point 4, we do not find the expression correct that ordination is the "*admission*" to the ministry, for ordination is only the public, churchly confirmation of the call to the ministry. Furthermore we believe that regarding those who examine the one who is to be called as a minister of the church, it would rather have to be said thus: "If there are preachers available who are recognized by the congregation as orthodox, then it is in keeping with divine order that these, as more gifted men, be involved by the congregation in the installation of a preacher."

(d) With regard to point 5, we remark that, like the *tentamen*, the common prayer of the congregation and the confession of the prospective minister before many witnesses are merely good, salutary ordinances, but may not be elevated to a *necessary condition* (*conditio sine qua non . . .*).

(e) With regard to point 6, we would not like to let stand the statement that Christ himself, according to Matthew 28 and Luke 24, "*ordained*" his disciples; partly because ordination would then be a divine, necessary ordinance, which it is not; and partly because we cannot find the actual essence of ordination in the cited passages.

(f) concerning point 7, we miss (besides the already mentioned distinction between divine and mere good, human order) also especially a clear and biblical proof of the limits of the obedience that a congregation owes to its preacher. For when you say, "the congregation binds itself to its preacher in faithfulness and obedience in all things *that are not opposed to God's word*," then this statement obviously goes far beyond the limits of the saying, "Whoever hears you, hears me." For the congregation owes us obedience only when, and to the extent that, we preach God's word to them. But if we wanted to

[13]StL 4:627ff, "Interpretation of Psalm 8" (1525?).

require the same obedience when we wanted a church or school building (which after all is in itself not contrary to God's word) we would undeniably presume for ourselves what is not due to us.

Just as little can we agree with the accompanying remark that no single member of the church, but rather only the church itself in its symbols, church orders, and synods can decide what is and is not contrary to God's word. Certainly every sheep of Christ should be able to tell the difference between his Shepherd's own voice and that of a stranger (John 10:5), and St. Paul says (1 Corinthians 10:15): "I speak as to the wise; judge what I say."

Finally we must correct the closing sentence of the first part by pointing out that the blessed Luther, in his explanation of the Epistle to the Galatians, does not give a decision about *one specific* church order at all, such as the one described in your points, that it would endure until the Last Day. Instead he speaks there simply of the fact that the call is *mediated*, and that since the times of the apostles there has never again been an *immediate* call to the office of the ministry, nor will there be until the end.

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We now come to the second part of your *Hirtenbrief* which deals with *the necessity of the proper call*, and we agree completely in the main point that you discuss here; not, however, with all the *arguments* put forward in favor of it. Because (a) we would not like to say that God wants to deal with us through the office of the public ministry, but through the word. But the office is the *arrangement* that he has instituted for the proclamation of his word. This word, however, can be effective apart from the public office, so that we know from Scripture and experience how he will, in cases of necessity, use people who are not in the public office to deal with people through his word.

(b) Also the words of institution in the administration of the holy sacraments are effective not because of the office to which the Lord binds himself, but *the word is effective by itself*. (Hebrews 4:12)

(c) Least of all can the stewards of God's mysteries by their office cause bread and wine to be really consecrated in the Lord's Supper and make Christ's body and blood be given in them. Never mind that in the passage "the cup that we bless," in which the *Hirtenbrief* significantly emphasizes the '*we*', there is no h(mei=j in the original text. Never mind that one could then not be sure in cases of emergency baptism that it was a real baptism. It is expressly the teaching of our church, according to God's word, that our faith and sacraments do not depend on the *persons*. It makes no difference, not only whether they are pious or wicked, but also whether they are ordained or unordained, called or crept in. Yes, even if the devil himself would creep in and in human form would administer the sacraments to us according the proper words of institution, we should not doubt that we received the true sacrament. Dear Luther gloriously teaches us thus to praise the power of the *divine word* in true faith, when he says:

> Even if the devil himself should come (if he were so pious that he should want or be able to do so), but assuming that I afterwards should find out that the devil had crept into the ministry, or had caused himself to be called to the pastoral office in human form, and had publicly preached the gospel in the churches, baptized, held masses, absolved, and had carried out and administered such office and sacrament as a pastor according to Christ's command and order, then we would nevertheless have to confess that the sacraments were right, that we had received true baptism, heard the true gospel, received true absolution, taken the true sacrament of Christ's body and blood.

For our faith and sacraments must not depend on the persons, be they pious or wicked, ordained or unordained, called or crept in, the devil or his mother; but rather on Christ, on his word, on his office, on his command and ordinance - where those are going on, things must be going rightly, be the persons who and how they may be or can be. Were we to look at persons, what kind of preaching, baptism, and sacrament would it be which Judas and all his successors have done and still do according to Christ's command except the devil's preaching, baptism, and sacrament, that is, offered and given to us through the devil's members. But since the office, word, sacrament, and ordinance are Christ's and not Judas' or the devil's, we let Judas and the devil be Judas and the devil, and for all that take through them Christ's goods. For when Judas went to the devil, he did not take his apostolic office with him, but left it behind and Matthias took his place. The office and sacraments remain forever in the church, but the persons change daily as one calls and installs those who can carry them out, and so they go on and happen with certainty. The old horse is bridled and saddled, and it goes as well with a mere boy sitting on it who knows how to ride as when ridden by the emperor or the pope.

In my youth I heard a story about a preacher who once became suddenly ill when he was just about to preach. Then someone came to him and offered to preach for him, and hastily shuffled the pages of the book around and grabbed a sermon. But he preached so excellently and earnestly that the whole church wept. In the end he said, "Do you want to know who I am? I am the devil, and I have preached so earnestly to you in order to condemn you more fittingly and sharply on the Last Day to your great damnation if you have not kept it." I do not know whether this story is true or not, but I do know that it is very true-to-life and rightly makes the main point that the devil can indeed have and give Christ's word, office, and sacraments, since he knows how to disguise himself as an *angel of light*, and even as God's majesty (Matthew 4). And I would not want to bet that the devil has never been a pastor or preacher, because such horrible things have been done by some pastors and priests, like sorcery, trickery, and other such devil's business.

It is just the same in creation, that our activity and work produce nothing, but only God's command and ordinance, as when we plough, sow and plant. Then we do our work which we have been commanded (Genesis 3). But such work does not bring forth a kernel of grain, but rather God's command and ordinance, when he speaks to the earth (Genesis 1:11), "Let the earth bring forth grass and plants and all kinds of trees." St. Paul says the same thing in 1 Corinthians 3: "He who plants is nothing, and he who waters is also nothing, but rather God who gives the growth." Whether the devil or a man, a scoundrel or a pious man does such work and plants, sows, or waters, God's command and ordinance operates on their own and the earth brings forth its fruit. In the same way man and woman become one body in the natural way, as God has commanded and created us, but no fruit or child will ever come from such a work, but only from the command and ordinance which God speaks: "Be fruitful and multiply." Now even if the devil brings a man and woman together, such as happens in adultery or prostitution, nevertheless God's ordinance goes on and a fruit or child comes of it. If a scoundrel, whore's child, or thief comes into someone else's property, all the property is still as good as when the rightful owner had it. Thus it is here, too, with the sacraments. We put water and word together as he commands us, but

> such doing of ours does not make it a baptism, but Christ's command and ordinance. According to his command we put bread and wine together with the word, but such action of ours does not change it, but rather Christ's command and ordinance. Now if the devil or his member would carry out here the ordinance of Christ and do according to it, it would nevertheless be proper baptism and sacrament. For Christ does not become a liar or deceiver of his church on account of the devil or wicked people, but rather baptizes it and gives it his body and blood, no matter whose, or who, the hand may be through which he does it.
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> The papists themselves confess that a baptism in jest or in play is a valid baptism, as it says in the *Historia ecclesiast.* of St. Athanasius. He was playing with his friends and children by the sea and baptized them, and then he saw in the church of the bishop that Bishop Alexander considered it a valid baptism and did not baptize the children again. The same sort of thing one reads in the legends, that some actors wanted to flatter the pagans in a play and to mock the Christians and baptism, as if it were a foolish, laughable belief to want to become holy through water. But a writing appeared to one of them in the middle of the play which contained these words of St. Paul (Ephesians 4): "One Lord, one faith, one baptism, one God and Father of us all, etc." From this writing he became a believer and received the play-baptism as real baptism, made it serious and freely confessed Christ. When the pagans seized them all and thought the actors had put on the play to honor the Christians and spite the pagans, the others ridiculed this one of their company and said he had gone mad. But he stuck to his baptism and faith and let himself be martyred because of it, and thus went from the play to heaven.
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> But the papists are blind leaders of the blind and only look at their own persons and work, just as if the sacrament must be or not be because they are such persons or do such works. They ask nothing about the ordinance or institution of Christ. And yet our person and work can do nothing about it; Christ's ordinance alone must do it. Chrism, tonsure, chasuble, and such pomp do not help, and thus they really do not know themselves, and can not know, what they do in their masses.
>
> And let me answer the question which I posed above, namely how one should regard the pastors in the papacy, since they have only been ordained by illegitimate bishops for secret masses. You should do thus: pay no attention to their chrism and illegitimate ordination, since they are certainly nothing and of no use or service to the church or to you. But rather look to the fact that he possesses the office of the pastor, which is not his but Christ's office, and do not let it worry you whether he be properly called or has bought or pushed his way in, by hook or by crook, be he Judas or St. Peter. Let none of that matter to you at all, but distinguish the office from the person, and the holy from the abomination.[14]

In this, however, (d) Luther does not allow that the head of a household give the Lord's Supper on a sickbed or deathbed. Instead he rather teaches that, where there are too few called ministers, to make do with faith in the word, when he says:

[14]StL 19:1271ff (= AE 38:200ff), "The Private Mass and the Consecration of Priests" (1533).

> There again the head of the household may take care of his own through the word in these necessary things, and as long as he is in such difficulty he may in Christian humility let the unnecessary things go. Then one must do just like the Jews when they were in captivity, who, even though they could not be in Jerusalem or offer sacrifices there, maintained their faith through the word and lived well among their enemies. But they sighed and longed for Jerusalem. So also this head of a household I am talking about under the tyranny of the pope, would do most rightly and certainly to sigh and long for the sacrament of the altar that he may receive it again.[15]

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In the third part of your *Hirtenbrief*, which demonstrates the right understanding of the doctrine of the appointment to the office of the ministry in the Smalcald Articles, it seems to us that the right of independence of a Christian congregation, as Luther further explains it in the letter to the Bohemians, is rather misunderstood and diminished. But it cannot be denied that when a congregation is in church association with other preachers, it has to involve them in the election of a new preacher. But if this is not the case, and the church perhaps is aware of no preachers whom one could recognize as orthodox, then it is by no means an offense, but rather completely in accord with God's ordinance, that a congregation choose a preacher from its midst without the help of the ministerium. And even if in such a case it should turn out to be an "*untaught, untested, and unprepared*" man, and the congregation makes a mistake, it would still not be right to call it an "offense" if the congregation otherwise wants to hear God's word. For such mistakes are also made often enough on the side of the spiritual ministerium in the appointment of preachers. But the office is therefore nevertheless established when the congregation transfers it according to the right it receives from God to call a preacher.

If, however, a congregation elects a teacher from its midst by wantonly despising the ministerium set before it, or out of personal hate and separatism in spite of otherwise recognizing *neighboring* orthodox preachers, and thus sets up altar against altar — or indeed just picks teachers to tickle their ears, neglecting entirely to test the spirits, and without calling on God — then one has to call this a churchly offense and an "*arbitrary appointment*" of a preacher. But the *Hirtenbrief* seems to call it an arbitrary appointment or selection of a preacher if a congregation lays claim to anything more than a mere negative vote in the election of its preacher, and thus does not submit itself completely and in all parts to the judgment of the ministerium.

And there we cannot agree, and we appeal again to that which we recalled above. And we certainly believe that you yourself, dear brother in the ministry, must longingly desire nothing more than that our congregations in this country become freer and freer from the fetters of that former ministerial domination, and that they no longer simply rely on human superiors in the most important church affairs like "*the accursed people who know nothing of the law*", and thus get tossed here and there by every wind of doctrine and deception of men. We desire rather that they themselves train their minds and rightly exercise their freedom, which was purchased so dearly through the blood of Christ, from yokes on their consciences and from human servitude. But our congregations will certainly not attain to that if we always

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[15]StL 10:1558 (= AE 40:10), "How One Should Elect and Install Ministers..." (1523). [Cf. note 5 above, pp.4f.]

teach, as your *Hirtenbrief* does, only the single truth that one ought not abuse freedom. Rather, it is certainly just as necessary, indeed even more necessary, above all to exalt for them the true, blessed freedom of a Christian in good, Lutheran, faith-building, and comforting fashion. From this it follows naturally that all who believe the word are now also gladly and obediently subject to human order, and also honor and value their teachers and pastors, no longer out of servile fear as if those pastors were lords over their consciences, but in childlike thankfulness because they are helpers toward their salvation and messengers on Christ's behalf. Compare here, besides the already cited writing of Luther to the Bohemians, yet another passage of his where he says:

> A bishop, as bishop, has no power to impose his own regulations or ceremonies on his church without the church's approval in clear words or by silent consent. Because the church is a free and sovereign Lady, and the bishops may neither lord it over the church's faith nor encumber or burden her against her will. For they are only servants and stewards, but not lords of the church. But if the church as a body agrees with the bishop, they can impose on each other whatever they want, as long as salvation does not suffer, and can also abandon such things by agreement. But such authority is not what the bishops seek; they want to rule and possess everything. That we must not allow, nor take part in any way in this injustice or oppression of the church and the truth.[16]

When it comes to human authority, faith does not boast about any person, nor does it do or omit anything because of any person. Rather, we need to hold with firm faith to Christ alone and his word. In this sense we and our congregations need to get free of ourselves. The more we do this, the more the church among us stands upon the only true refuge and rock. Thus we are no longer so arrogant that we want to protect and preserve the church by means of the office and external ordinances; but instead the surpassing power is God's and not ours.

Therefore, dear brother in the ministry, let us *above all* and with careful diligence strive rightly to delve into and preach the pure and unalloyed gospel of the free grace of God, and to give *God alone the glory* that *he* may take his church into his almighty protection also in these last dangerous times against all the gates of hell. If he did not do this and give the Spirit and power to the word, then we ourselves would certainly accomplish nothing by preaching the pure divine word, let alone with the status of our office or with the scaffolding of external ordinances. But he has promised that he wants to do it, will not forsake his church, indeed will himself be everything it needs, when he said: "*Behold, I am with you always, to the end of the world*."

Yet since God is not a God of disorder, he teaches us, as already mentioned, also this in his word: that everything in his congregation should proceed honestly and orderly. Human order is therefore a good outward thing which is not to be despised, but also not to be made into a necessary, iron mould and corset. Rather, it is to be developed gradually from the life and needs of the congregation and with its activity and approval, as circumstances dictate in this or that point. Thus we liked very much the advice, exhortations, and ordinances in the next to the last part of your *Hirtenbrief* and the corrections concerning certain church usages in the last part, because of the way in which they are suited to the circumstances and for the most part are not formulated as explicit commands.

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[16]StL 16:1014f (= AE 49:384f), (from a letter to Philip Melanchthon, July 21, 1530).

As far as the *content* of these is concerned, we would like to make a few more remarks. For example, according the passage from Luther cited above, the head of a household surely should not put off baptizing his child himself (if there is no minister available) until it is in danger of death. Furthermore, it is certainly doubtful to recommend delaying a marriage because the marrying pastor is absent, or even to make the priestly blessing in such a case a necessary part which must be completed afterwards, unless, as the *Traubüchlein* teaches, it is expressly *desired*. Yet it seems to us a more important point that you, dear brother in the ministry, seem to deny to the congregations almost entirely the duty to pay attention to teachers and doctrine, as well as to judge doctrine; these you assign solely to those who are in the teaching office. We already drew this to your attention in an earlier letter, but your answer did not completely satisfy us. For in the first place, it remains certain that the word of exhortation to teachers to "pay attention to yourselves, etc.," far from relieving the congregation of the duty to keep an eye on teachers, rather makes it most necessary, if they do not want to fall into the hands of wolves and false teachers. And in the second place, "judging doctrine" is spoken of in Article XXVIII of the Augsburg Confession among the other functions of the bishop's office, merely in antithesis to the arrogated functions of the worldly bishops, but not at all in exclusive antithesis to the duties and rights of the congregations. Otherwise how could the congregations be exhorted immediately afterwards to guard themselves against the bishops and not to obey them if they do not carry out their office properly? Obviously unspiritual judging and impertinent intrusion into the public teaching office must, indeed, be punished. But here one must certainly see also the affirmative side, that *proper* spiritual judging, diligent[17] *checking, keeping watch for all the saints, the mutual help in the body of Christ, punishing and avoiding when teachers or lay people show themselves to have a bitter root* — these are not only permitted and allowed (which goes without saying), but are also seriously and eagerly cultivated, and congregations are to be exhorted to them, as to the proper use of the spiritual priesthood. But here, too, a Luther knows how to speak better, when he says:

> To recognize and to judge doctrine belong to each and every Christian, and indeed in such a way that he who would impair that right is accursed. For Christ himself has instituted that right in many invincible saying, e.g. Matthew 7: "*Beware of false prophets who come to you in sheep's clothing*." He has surely said this word to the people against the teachers, that they should avoid their false teaching. But how can they avoid it without recognizing it? And how can they recognize it if they do not have the authority to judge? But now he not only gives them enough authority to judge, but even commands them to do it, so that this single passage is sufficient against all popes, all fathers, all councils, all sayings of the scholastics, who have assigned the right to judge and to decide to the bishops and clergy alone; but have godlessly and sacrilegiously robbed it from the people, that is, from the church, the queen. For there is Christ, who says: "*Beware of false prophets!*"
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> Nearly every syllable of the prophets agrees with this. For what else do the prophets do, than warn the people not to believe the false prophets? But what else does this warning do but show that the people have the authority to judge and to recognize? What is that except announcing and assuring that they must pay attention to their actions and always be on their guard against all the teachings of their priests and teachers? Therefore we conclude here: as

[17]The original has here "*Berrhoensische*," which is obscure and may be a misprint.

> often as Moses, Joshua, David, and all the prophets in the old law caution and warn the people about false prophets, they cry, command, proclaim, and confirm the people's right to recognize and to judge all teachings of all people. And they do that in innumerable places. Does our Harry (i.e. Henry VIII, king of England, to whom this writing was directed) or some filthy Thomist have something to say against this? Have we not plugged the mouth of those who speak error? Let us come again to the New Testament. When Christ says in John 10, "*My sheep listen to my voice; but they do not listen to strangers' voices, but flee from him*," does he not make the sheep judges and give the right of recognizing to the listeners? Thus when Paul say in 1 Corinthians 14, "*Let one speak and the others judge. But if one who is seated receives a revelation, let the first one keep silent*," does he not make the listener into a judge? Thus what Christ commands in Matthew 24 and elsewhere concerning false teachers; what Peter and Paul say about false apostles and masters; and what John commands about testing the spirits, all points to the fact that the people have the authority to judge, examine, and condemn, and indeed they have every right to do so. For just as each person believes rightly or wrongly at his own risk, so each has to take proper care that he believes rightly. Even common human understanding and the necessity of salvation requires that the judgment of doctrine must necessarily be the listener's. Otherwise it is written in vain: "*Test everything, hold on to what is good*," and also, "*The spiritual man judges everything, and is judged by no one*." But each one is spiritual from the Spirit of Christ. "*Everything is yours*," he says, "*whether Apollos or Paul or Cephas*;" that is, you have authority to judge concerning all words and actions.[18]

And in another place Luther says about this:

> If the sheep were not to flee from the wolves until the wolves, through their Christian council and official judgment, would direct them to flee, then the sheep-fold would soon be empty, and the shepherd would in one day find neither milk, nor cheese, nor butter, nor meat, nor even a hoof. That would be guarding the sheep! What has Christ our Lord done when he directs and commands us to guard ourselves against the wolves without waiting for the wolves' council? Indeed not only the whole flock of sheep, but each individual sheep itself has the right and authority to flee from the wolves wherever it can, as it also does: "*My sheep flee from strangers*," John 10.[19]

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You recently called on us to give a more thorough presentation sometime of the points of difference which were indicated only briefly in our letters up to now. This we have done in the present document, according to our weakness, as God has given grace. Certainly we may now expect from you, as well as from Pastor Krause, that you both correct us from the right source where we have erred; but that you become ever more fervently united with us on the same basis where we have testified to the truth.

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[18]StL 19:341f, "Against Henry [VIII] King of England" (1522).

[19]StL 17:102f, "Concerning the Election of the Bishop of Naumburg" (1542).

We hope Pastor Krause noes not take it amiss that we did not answer sooner his last letter sent to Perry County, and that he may now regard what we have written here also as an answer to him. We would still like to discuss some things with him, e.g. whether he makes a distinction between division (sxi/sma) and sects (or *Rotte*, a(/iresij), and which difference? But now we must save it for another time, and many points will take care of themselves if we will come to a more fervent understanding about the above in fraternal unity, which we do not doubt. We do not fear that you will accuse us of puffing ourselves up; for you know how we just a short time ago lay sick under Stephan and his hierarchical tendencies, which we have now recognized and done away with more and more through God's mercy, so that — admittedly like children who have been burned — we now can warn others. At least we will not deny that our eyes have now been opened about so much which we previously considered true and right, although it was not. But on the other hand we freely admit that, unfortunately, we previously considered many things as wrong and false about our Lutheran, non-unionistic fellow believers, who wanted to stand on one foundation with us, which were nevertheless good and right. And therefore we ask you both, dearest brothers, that you for your part continue to stand with us faithfully, according to the gift God has given you, with advice, comfort, and exhortation, so that we may be diligent to preserve the unity of the Spirit through the bond of peace, and faithfully help bear each other's burdens, if not through personal acquaintance then through mutual correspondence.

May God help us so that the real salt and the real peace may still prevail also in Wisconsin, and everything which now stands separated may yet be united in the one Spirit of truth. I hope that you, dear brother Krause, may carry out your friendly intention to visit us soon sometime, and at least can speak to our friend and brother Walther, as the one living nearest you. He has also had to fight, especially against separatists, and has had to put up with a lot, an awful lot. But just through such patience, caution, and love, with which he has taken his stand, even against the most bitter enemies, with the most decisive testimonies of God's word and the best and most faithful teachers of the church, he has finally prevailed, so that many of his opponents are now his best friends, and the obstinate ones have left. There is a beautiful, unclouded relationship between him and his congregation, in which the ministry is highly honored and recognized in its inalienable rights with free conviction, and also on the other hand the congregation is strengthened in its proper attitude to the pastor, and in the acquired awareness of its precious rights by God's grace. Thus in mutual fellowship a church discipline is exercised which has been very instructive and edifying to me and my brother pastor Gruber.

(Here follow numerous questions and information not related to the above.[20])

Now may everything be committed to the faithful God! May he be and remain our counsel, our comfort, our power and strength! Amen.

With loving greetings to your whole congregation, and committing ourselves to your continued prayers, I sign together with my dear brothers in the ministry, and also, I can assure you, in spirit and mind with our dear absent brother Keyl,

Your faithful friend and fellow-worker in the Lord's work,

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[20]As noted earlier, the text used for this translation was not the original correspondence, but an edition collected with the *Hirtenbrief* and other documents by supporters of the Missouri Synod position and published in New York in 1849. A section of the original was omitted here in that 1849 edition.

Gotthold Heinrich Löber,
in fellowship with his two brother pastors
C. F. Gruber and C. F. W. Walther
St. Louis, July 3, 1843.