

“The Message of Reconciliation—and Its Trustworthy Stewards”
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Presented to the 6th Annual ACELC Free Conference on “**Dispute Resolution in The LC-MS**”
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Introduction

“When they have a dispute, they come to me,” said Moses, **“and I decide between one person and another, and I make them know The Statutes Of God and His Laws”** (EXODUS 18:16). In time God anointed a King for Israel, David—whose son, Prince Absalom, would rise early and stand beside the way of the gate. **“And when any man had a dispute to come before the king for judgment, Absalom would call to him and say, ‘Oh that I were judge in the land! Then every man with a dispute or cause might come to me, and I would give him Justice’”** (2 SAMUEL 15:2,4). Centuries later, God’s Own Anointed Son Came To Establish His Kingdom, but not of this world, and in particular places like Corinth, Christ’s Church looked badly divided. His messenger St. Paul sought to shame all factions: **“Can it be that there is no one among you wise enough to settle a dispute between the brothers?”** (1 COR 6:5). Paul’s question presupposes an answer. **“YES.”** Today, among us, there are many men wise enough to settle disputes.

Yet our Synod, invoking “the spirit” of First Corinthians Six, “calls upon all parties to a disagreement, accusation, controversy, or disciplinary action to rely *exclusively* and *fully* on the Synod’s system of reconciliation and conflict resolution. The *use* of the Synod’s conflict resolution procedures shall be the exclusive and final remedy for those who are in dispute” (LC-MS Bylaw 1.10.1.1).

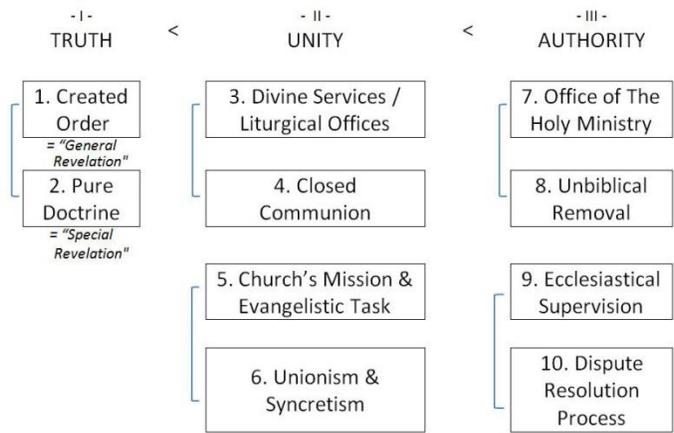
A question before us is whether “the brothers” can and should regard our Synod’s Dispute Resolution Process as **“Moses’ Seat”** of judgment—of which Christ Himself told us we should **“do and observe whatever”** its occupants tell us—even if they **“tie up heavy burdens, hard to bear, and lay them on people’s shoulders, but they themselves are not willing to move them with their fingers”** (MATT 23:2-4FF). These scribes and Pharisees were cruel and unlikable; their example was horrible; the effect of their words objectively bad and unjust. Christ Acknowledges this. So if we in Missouri are now to recognize *Bylaw 1.10* as our “seat of Moses”, then let us heed Christ’s Call to honor and obey this authority as legitimate, Given from God, even as He Proceeded to Pronounce woe upon those who occupy that seat, and to caution His followers not to do what they do.

Yet as in David’s day, there’s another possibility: that *Bylaw 1.10* promises a false justice, and would turn us aside from The Throne of our King. Even *Synod Bylaw 1.7.2* employs conditional language that should put us on alert: “The Synod expects every member congregation of the Synod to respect its resolutions and to consider them of binding force [1] if they are in accordance with the Word of God and [2] if they appear applicable as far as the condition of the congregation is concerned. The Synod, being an advisory body, recognizes the right of a congregation to be the judge of the applicability of the resolution to its local condition. However, in exercising such judgment, a congregation must not act arbitrarily, but in accordance with the principles of Christian love and charity.” This acknowledges that NO Bylaw or Resolution can have “binding force” upon Synod’s members if it conflicts with The Word of God, and also that each congregation is the judge of its local condition and the applicability of any Synod Resolution to that condition. Synod also acknowledges (*Bylaw 1.8.2*) that Dissent is to be expressed within the fellowship of peers. Well—here we are.

Other presenters to this conference have cogently explained the history of how we got here, highlighted real problems that render this process untrustworthy or unworkable, and offered specific suggestions on how to improve or replace this process. I cannot and need not improve upon their work. Instead, I aim to put this topic of Dispute Resolution into a broader dogmatic and historical context. I’ll also offer some very concrete, practical suggestions about how faithful LC-MS pastors and laity can and must remain trustworthy stewards of The Message of Reconciliation as we hear and obey God’s Word in our congregational settings.

Dispute Resolution in relation to other LC-MS’s Errors

First: consider a systematic organization of the ACELC’s “Top Ten” List in diagram form. Note that each error can be matched with another to form five pairs of issues, which fall into three categories: Truth, Unity, and Authority. Within His Church, God has Established Authority to protect and serve The Unity of His Church. Unity Is God’s Creation and Gift, not the result of our own efforts.



Ultimately, we find Unity only in The Truth He Reveals. Diagrammed this way, “Dispute Resolution” comes last on our list of Ten Errors. Yet much like *Article XXVIII* of *The Augsburg Confession*, here’s where “the rubber meets the road” in our disagreements about the other nine. Here in “Dispute Resolution” is where Truth, Unity and Authority *will be recognized and exercised*—or not. And where they are not, here’s where the battle is *joined*.

An Ancient Approach to Dispute Resolution

As Lutherans, we do well to examine the way Luther approached The Reformation of The Church for insights into the best means for addressing our disputes over doctrine and power, office and primacy. This examination can discover that Luther, Melancthon and the Reformers employed a time-tested “dispute resolution process” developed in ancient Greece and formalized by the medieval Church. This same process could serve us well today, not simply to address and resolve disagreements in our midst, but to hear and learn The Truth.

The approach upon which that ancient “dispute resolution process” is built is called “dialectic”. It is one of the three liberal arts of the classical trivium: grammar, logic, and rhetoric/dialectic. Any text you read, or any subject you study, can be approached by asking: 1) *What does it say?* (grammar); 2) *What does it mean?* (logic); and 3) *How do I apply it?* (rhetoric / dialectic). More succinctly the results of this inquiry can be summarized as: 1) “*What*”, 2) “*So What*”, and 3) “*Now What*”. Your approach to understanding any topic begins with trying first to learn the “grammar”—the terminology and definitions. Little children used to attend what was called “grammar school”, which indicates how classical education employed this learning model—following the development of the human mind. Little children love to have mom and dad (or grandma and grandpa) read the same story, or sing the same song, over and over; they love to memorize. Luther’s entire catechetical process is built around this model; children were to have the catechism memorized in childhood—by (what today we’d call) the fourth grade. Then, when those hormones start kicking in, those sweet children start asking a question, over and over: “Why?” Those little pre-teens become very critical—they notice how mom and dad don’t always practice what they preach, or they have inconsistent expectations. Every request seems to be met with objections and arguments. This is a normal and natural part of the development of the human mind—an indication that child is entering the “logic” phase. That’s when the parents can hand the kids off to the pastor, so that they can argue theology with him, and see where all this stuff Luther said comes from in The Bible, and ask what the Israelites asked when they came out and saw this white stuff on the ground: *Manna? What is it?* Or (in the original German): *Was ist das? What’s that?* This is what lies behind our catechetical question: “What does this *mean*?” That’s logic.

Then we move on to Rhetoric—how do I apply it—the “now what”. This is the art or method of discourse that seeks to inform, persuade, or motivate an audience through 1) *Logos* – a rational appeal; 2) *Pathos* – an emotional appeal; and/or 3) *Ethos* – an ethical appeal. But rhetoric is understood primarily as one-way communication. Discourse between two or more people, holding different points of view, who are seeking to resolve their disagreement, but seeking to establish the truth through reasoned arguments—this is called “dialectic”. Dialectic uses a logical contradiction as the starting point for further discussion. Dialectic is not necessarily the same thing as debate, for a debate may frequently rely heavily upon the Rhetoric of Pathos or Ethos—emotional appeals that may cloud rational judgment, or ethical prejudices that seek to accuse and convict before a person is even informed, convinced or persuaded. And you’ve heard the old cliché: “*A man convicted against his will, remains of the same persuasion still.*” So Dialectic seeks to rely primarily upon “Logos”—rational arguments using words and logic that help listeners to recognize errors in their own thinking and presumptions, and to free them from those errors. This was the goal of what became known as “Enlightenment”.

Aristotle suggests that dialectics were invented before Socrates by Zeno of Elea. A philosopher named Heraclitus of Ephesus proposed that everything exists in a state of constant change or flux as a result of inner strife and opposition. “Dialectics”, therefore, was much more than a process of discussion, but the broad, enduring search for unity amidst those opposites in reality. Classical dialectics formalized this process more rigorously expressing those opposites as “theses” and “anti-theses”, which are simply “propositions” of what might be recognized as statements of Truth, pitted against their best alternatives. When this is done in a formalized process by two or more people, they present those theses and anti-theses as “arguments”; by advocating for those propositions as strenuously as possible, they hope, together, to gain “enlightenment”—to discover The Truth. The outcome of such a dialectic process can be 1) to refute a relevant proposition, 2) to combine those opposition assertions into a “synthesis” (this was done long before Hegel), or 3) simply to improve mutual insight and understanding through the quality of the dialogue.

All Socrates did was to use that dialogue to draw out false premises and contradictions between propositions through questions and answers—and his sincere aim was to improve the human soul of his disciples by freeing them from unrecognized errors. Socrates was opposed to the school of the Sophists, who focused on ἀρετή (“*ah-rey-tay*”)—excellence, that highest expression of the quality of someone or something that determines who they are and what they do. To the Sophists, the artistic quality you demonstrated in your speech—your ability to persuade or motivate others—expressed and proved your ἀρετή. Socrates saw Truth as a greater good than ἀρετή, and believed it could be discovered through logic and reasoned discussion or “dialectic”. His approach—the “Socratic Method”—aims to show how a given leads to a contradiction, forcing its withdrawal as a candidate for Truth. In Latin this is called *reductio ad absurdum*. Plato and Aristotle studied Socrates and built from there, and this was how the ancient Jewish scholar Philo of Alexandria in Egypt was educated, along with the Athenian school of The Cappadocian theologians, and St. Augustine under the neo-Platonists.

Medieval Development and its Application in the Lutheran Reformation

Skipping ahead to the medieval era, the rediscovery of Aristotle through the 12th century Andalusian Muslim philosopher Averroës scholar led to a ferment of new views at the University of Paris, at which the Dominican Thomas Aquinas and the Franciscan Bonaventure worked to ensure that, amidst all the excitement, philosophy remained the handmaiden of theology, instead of spinning off on its own. The next few paragraphs will draw heavily from a fine book called “*The Reformation*” by Ernest G. Schwiebert, which is actually two volumes in one: “*The Setting of The Reformation*”, and “*The Reformation As A University Movement*”. As we approach next year’s Five Hundredth Anniversary celebration, this book would make very timely reading, and I commend it to you. In the year 1366, legates from the Pope changed the curriculum mandated something called “disputations” for all candidates for Master of Arts (p. 198). Here the classical dialectics described above were becoming a formalized process of scholarship. To gain a Bachelor’s degree in Bible, students had first to gain competence and maturity in dogmatics and dialectics. But then, he was required to participate in a public disputation (that’s an important redundancy, which I’ll explain shortly), and he had to promote or defend a specific topic that was assigned to him by the theological faculty—against other students who had already earned their bachelor’s degree! Later: he gained fuller experience in disputations responding to some of the Masters degreed students in annual debates, and participate in at least one disputation serving as the final examination of a candidate for the Masters degree.

From the University of Paris on throughout the Middle Ages, and (relevant to our topic) throughout the German Reformation, the theological disputation was regarded as a powerful and even essential teaching tool. Luther himself learned theology through the process of disputation. Where was it that he first presented what became known as his “Theology of The Cross”? At the Heidelberg ... Disputation—a formal event for Germany’s Augustinian Order, where Luther was assigned his topic and required by his superiors to appear. The battle with Rome and the Pope was fully joined in June and July of 1519 when Duke George of Saxony initiated a theological disputation, conducted at Schloss Pleissenburg in Leipzig, between Johann Eck and the chairman of the theology department of the University of Wittenberg—Andreas Karlstadt, and Eck invited Luther to join the debate. These were the days when theologians were men (1 Cor. 16:13) — when their theology was tested and proven through rigorous dialectical duals. Vital to the disputation as conducted in medieval and reformation times was the fact that it was public. No allowance was made for feelings to prevail over facts and sound theological arguments; there was no pretense of our contemporary conceit that we all must pretend to get along. In many ways, the history of the Lutheran Reformation can be told through the history of Luther’s

theological disputations—those in which he participated, and those he organized, moderated and judged.

Disputations in those days were of three kinds: 1) Practices (often conducted in dormitories) in which students learned the methodology of disputation; 2) Promotions—which served as public tests and examinations that proved a student’s fitness to graduate and earn a degree, and 3) Faculty Disputations, delivered once a year on timely subjects, and closely related to current classroom instruction. For this type, the professor drafted his own theses, and failure to participate resulted in stiff fines. When a new rector was installed, the ceremony often featured a disputation involving doctoral candidates. The Dean arranged for all these faculty disputations.

Philip Melanchthon is honored still today in Germany as the father of Christian humanism, and “Foundation” document reorganizing the education-al system at the University of Wittenberg on Reformation principles remains pivotal in the history of education. One of the central features of Melanchthon’s program was the disputation. Besides their courses, students were required to attend at least thirty practice disputations each year, and to participate in four of them as a disputant. Classical dialectics was drilled into the students at the very core and center of their instruction, so that it became a distinctive part of their life and thought. The Prince and Elector underscored the high value of these disputations by budgeting funds from the Saxon Court to pay faculty participants, who drafted the theses, secured their approval, date and location, selected the necessary participants, posted the theses, and presided over the debate. This is precisely what Luther was doing in that singular event we’ll remember on its Five Hundredth Anniversary on October 31st next year, when he posted 95 Theses on the door of Wittenberg’s Castle Church. Luther was announcing a disputation.

Our Opportunity to Apply The Process Proven in the Reformation

Brothers and sisters: we need to learn how to do this once again. This is a treasure of our heritage—the very means by which Luther and Melanchthon persuaded their colleagues of the fundamental principles of their Reformation, and built at the foundation of the University of Wittenberg to shape decades of pastors and theologians who spread that Reformation throughout Germany and the world.

Brothers and sisters, as much and as often as possible, we must turn our disputes into dialectic disputations. That is not to say there isn’t a place for disciplinary actions for misconduct, failure to perform one’s duties, immoral living and false doctrine, as Doctor Noland advocated yesterday. That process will be guided by well-established rules requiring “due process”, as Pastor Rolf Preus explained. But we need to learn how to argue with one another as intelligent Christians, in mutual service to The Truth, and in service to it. Let us learn how to dispute well and fairly, with mutual respect. Let us dispute one another at our Synodical and District conventions, our symposia and pastoral conferences (including this one), and especially—at our circuit winkels. Disputes are not a “problem” to be “resolved”, but a vital part of the solution to our real problem—which is disagreement over the Truth taught by the Holy Scriptures and the Lutheran Confessions, and the errors they refute and condemn. A true theologian is a spiritual “gladiator” who fights with the **“*Spiritus Gladius*”**, the **“*sword of The Spirit*”**, which Is The Word of God. These weapons of our warfare are divinely powerful for the destruction of fortresses—including our own bad exegesis, deluded theology, and institutional idolatry. **“*Act like men*”**, brother pastors, and prepare your sinful pride to die in combat for The Truth. **“*Faithful are the wounds of a friend, but deceitful are the kisses of an enemy*”** (PROVERBS 27:6).

Comparison with Synod’s Process

Turning our attention back to our status quo: compare Bylaw 1.10 on “Dispute Resolution of The Synod” to the classical, medieval, and Reformation habitus of theological disputations, and you’ll see many points of very sharp contrast. Many could be listed, but I’ll highlight three in particular. First: Synod’s Process insists that the goal is “reconciliation” and “Its aim is to avoid the adversarial system practiced in society” (§ 1.10.1.2) The classical and Reformation habitus of disputation is explicitly and necessarily adversarial—in service of The Truth.

Second: Synod’s process is explicitly secret and private: the formal reconciliation meeting shall not be open to the public, “nor shall any record be made thereof” (1.10.6.4). Except for a very terse written final report by the reconciler, “All other communication that takes place during the reconciliation process shall be considered strictly confidential, including all oral

and written communications of the parties to the dispute” (1.10.6.5). Theological disputations are open, public events.

Third: “the final decision of the Review Panel shall have no precedential value” (1.10.8.5). Which is to say: Even when this process is followed through to its conclusion, even when the decision of the panel may in fact have achieved the best possible outcome—repentance, reconciliation, and restored peace and fellowship between the brothers, that very same process mandates and requires that precisely NO “lessons learned” can be gained from the dispute and its resolution that could serve the larger church in order to prevent similar disputes in the future. “Dogma” is the word for past decisions of the church that remain in force—useful for all Christians for all time. The Creeds and our Lutheran Confessions are “dogma”; it’s the accumulated case law of the church. Without disputes, there would be no dogma. Synod’s Dispute Resolution Process is explicitly and literally anti-dogmatic. That is not only un-churchly—I dare call it: unchristian. St. Paul himself writes: **“for there must be factions among you in order that those who are genuine among you may be recognized”** (1 Cor 11:19).

The very word “Concordia” means “of the same heart” and is often translated as “harmony”. But we find our “Concordia” not as the human result of a bureaucratic dispute resolution process, not as the expected condition of our intra-institutional relationships, and certainly not as the presupposition of how we Christians “get along” with one another. It is a “theology of glory” that presumes we have no disputes; theological disputations presume a theology of The Cross. Conflict. Sin. Contradiction. Misunderstanding. Error. Death. The death of our pride; the death of our misconceptions and false confessions. Yes, it is true that Jesus Wants it to be said of His disciples: **“By this all people will know that you are my disciples, if you have love one another”** (JN 13:35)—but love without truth deceives, and truth without love kills. Instead, **“speaking The Truth in Love, we are to grow up in all aspects Into Him, Who Is our Head, Jesus Christ”** (EPH 4:15).

The Treatise of The Power and the Primacy of The Pope, ¶49, declares: “To these errors, two great sins are added: (a) the pope defends these errors, and (b) He grabs the decision away from The Church and does not permit religious controversies to be judged in the right way.” Further on, ¶51 speaks very specifically to the outrageous situation that entails when proper examination is forbidden: “The latter does even more harm than any executions. When The True Judgment of The Church is removed, godless dogmas and godless sacrifices cannot be removed. They destroy countless souls for many ages.” ¶52: “The godly must reject error and rembrace true doctrine for the glory of God and the salvation of souls.”

Pastors must speak The Message of Reconciliation—Which Is The Pure Gospel of Jesus Christ. Faithful stewards of This Message must debate and dispute over doctrine. Pastors must act as pastors—by teaching, examining, and absolving. That is how our disputations can and must be resolved—through God’s Own Action, Working through His Gifts of The Means of Grace, Using His Own Divinely-Established Office of The Holy Ministry. We *cannot concede* that Synod’s Bylaw 1.10 *can, should, or will be* “the exclusive system of reconciliation and conflict resolution.” It is not, and we will not rely upon it alone. This claim has no “binding force” upon us, because it is not in accord with The Word of God, and rarely (if ever) applicable to the local condition of our congregations.

True Concordia – in Doctrine

Let me ask one simple question: Does anyone here know of anyone who’s chosen voluntarily to enter into this process, experienced it, made use of it ... and then chosen, on their own, to *use it again*? Find me one satisfied “repeat customer”! One! Call me a little boy who’s saying the emperor is naked, but I’ll say it: This system does not work, and nearly everyone in the synod knows it—though few will say so publicly. I’m saying so. Publicly.

If this Dispute Resolution Process is effectively (or perhaps I should say: ineffectively) broken, bankrupt, frustrating, and useless, what advice should anyone give, and anyone take about it? Isn’t it obvious? Do not choose to enter into this process! If you’re invited to use it, simply refuse! The fact is: your entrance into Bylaw Section 1.10 can easily lead you directly toward Constitution Article XIII and Bylaw Sections 2.14-2.17 on Exclusion. Pass go—do not collect your \$200. Make them threaten you and expel you for refusing to participate. Call their bluff—and get yourself a good lawyer.

No human process can produce Concord among the Lutherans—we already a “Formula” for that: A Statement of our Agreement as The True Visible Church on earth. We’ll find our harmony only in pure doctrine, and not apart from it. In a magisterial four-volume set reviewing

nearly all the creeds and confessions of The Christian Faith from its very beginnings until modern times, the former Lutheran Jaroslav Pelikan acknowledges that every such "Formula" ultimately produces discord as well—and not just among the Lutherans. Speaking for all councils and confessions, Pelikan quotes the Second Council of Constantinople as it prescribed the role of doctrinal debate in The Church in the year 533: "The holy fathers ... dealt with heresies and current problems by debate in common, since it was established as certain that when the disputed question is set out by each side in communal discussions, The Light of Truth drives out the shadows of lying. The Truth cannot be made clear in any other way than when there are debates about questions of faith, since everyone requires the assistance of his neighbor" (*Credo*, 2003, p. 187).

All authority on heaven and earth has been Given to Him. There is no authority except that which has been Established by God. The rulers of the Gentiles lord it over them, but it shall not be so among you. We must obey God rather than men, and we use The Authority He has Given us to serve one another, to bring about The Unity of The Faith that He Creates and Bestows—It Is His Work and Gift, not the result of our own strength or efforts. We live in The Church Militant—and as such, we fight. Sometimes with one another. Always against the devil, the world, and our own sinful flesh.

Our Unity Comes only in Christ, Who Is The Way, The Truth and The Life. There is no Unity apart from Doctrine—The Truth He Specially-Reveals in His Holy Scriptures (the true seat of Moses) and Generally-Reveals in His Good Creation. And so, we will dispute with one another, and whenever we encounter the evil one and his lies we shall say: "The Lord Rebuke you". That's speaking The Truth. In Love. That's how our Unity in Christ Comes into Being. That's how and why we exercise The Authority He Gives. Through Preaching and Teaching Pure Doctrine.

That shall always be our penultimate Dispute Resolution Process, until He Comes Again.
Amen: Come Lord Jesus!