

Augsburg Confession VII and the Historic Episcopate

by Vitor Westhelle

Having avoided in the past a discussion that I regard as diversionary in light of the many problems the Evangelical Lutheran Church in America (ELCA) faces and has been feeble, at best, in addressing, nonetheless I now feel compelled at least to say something of a theological nature regarding the interpretation of Augsburg Confession (AC) Article VII in the context of the discussion over the concordat with the Episcopal Church. Though I have kept myself outside of the public debate, I have talked to different people in both camps of the issues concerning the Call to Common Mission (CCM), and I have been surprised that it has been so centered on polity and so little on the theological background of the discussion and its implications for fellowship and structure. What I fear is that polity is determining theology, an interesting variation of the old rule (*lex orandi, lex credendi*) by which piety, not polity, is that which establishes abiding teachings.

A Fallacious Argument in CCM

My interest here is to explore the interpretation of AC VII and particularly the meaning of its two exclusive clauses: the “is enough” (*satis est*) and “it is not necessary” (*nec necesse est*). I will not engage the CCM document exhaustively for two reasons. First, it has already been adopted by the Episcopal Church and the ELCA. Second, its argument is fundamentally flawed with logical and theological problems. It indeed demonstrates that the Lutheran confessions

neither require nor condemn the acceptance of an oversight office (I assume this to mean the office of the bishop) and from there concludes that the *historic* episcopate is what has to be adopted. The ELCA already has in its structure the office of the bishop. As to the concept of *historic* succession, the CCM document does not say anything except that it is an old tradition, and does not offer any compelling evidence or argument for why it should be adopted.

The CCM argument, in the midst of all its tortured ways for not leaving this clear, is in fact a simple case of a wrong argumentation. It basically says that the confessions neither require nor condemn the office of the bishop and then it concludes that this is a basis for the adoption of the historic episcopate. The move from (a) to (b) is totally unwarranted. A logical argument would go like this (known as a categorical syllogism):

- i. (major premise) The Confessions neither condemn nor enforce human institutions to be adopted in the church.
- ii. (minor premise) The bishop’s office is a human institution.
- iii. (conclusion) The bishop’s office is neither condemned nor mandated.

Instead, CCM comes to the conclusion that the historic episcopate is allowed *and*, by the resolution, mandated. To illustrate the problem, consider the following syllogism:

- i. (major premise) The use of means of transportation is neither required nor condemned.

- ii. (minor premise) The car is a means of transportation.
- iii. (conclusion) Therefore we must all buy a Toyota.

But there are better arguments than this one presented by the document that could at least in some more logical fashion lead to a conclusion in favor of a *historic* episcopate. They will be my concern in what follows, which will discuss the implications of the adoption of the *historic* episcopate in the light of AC VII.

I will speak briefly on two interrelated issues. The first is to establish the meaning of *satis est*. I will ask: in which sense is enough enough? And, what is not necessary? It will be my first contention that *satis est* is grounded in the *sola scriptura* (that the scriptures alone are the “only judge, rule and norm” of the church¹) and is therefore located squarely at the center of the Confessions. My second point will be to inquire what this so-called “gift” of an additional sign of unity actually brings to the church. It will be my second contention that beneath the wrappings of this “gift,” we will find some surprises. So the first point is about what we give up with the adoption of the historic episcopate; the second is about what we receive and gain by it. I will address the loss first, and then the gift. Call it a cost-benefit analysis.

The Loss of the Scriptural Principle

AC VII is not about the definition of the church. It is about what constitutes the unity of the church. It is not about structure and polity. It is not about having or not having an office of oversight. It is about what signals the unity of the church. It states without reservation that the historic characteristics that are enough to signal and give evidence to this unity of the church in time and space are entailed in the proclamation of the word and in the administration of the sacraments. Any other sign to indicate this unity, like, for example, the belief in the Immaculate Conception of Mary, the issuing of indulgences, or for that matter, the ordination/installation of bishops, are considered to be humanly instituted ceremonies and precepts that might, in given circumstances, be good and even desirable, or might be bad and hurt-

ful, but in any case they are neither necessary nor mandatory for the whole church. And if these human institutions can vary, if they can entail diversity, they cannot be regarded as signs of unity. They are, therefore, *adiaphora*, simply not necessary to be uniformly and universally observed, mandated, or imposed.

Hence the clear violation of this article is indisputable in the case of the adoption of the historic episcopate. The article is violated unless it is stated that it is a humanly instituted rule not binding for the whole church in all places and in all times (which as it now stands is not the case). Even if one would say that the ELCA remains free to enter into communion with other traditions, the fact that its recent adoption of the historic episcopate is now internally binding adds a sign of unity that exceeds and transgresses the *nec necesse est* clause of AC VII.

The question is whether we can get away with this violation and still adhere to the Confessional writings in an ecumenical spirit. This is, in principle, not impossible. There is a gradation in the way essential texts that belong to the Confessions are ranked in Lutheranism in general, and in the Constitution of the ELCA, in particular. So we have to examine whether other normative texts do not invalidate or weaken the text of AC VII.

This is how the documents are ranked for the ELCA: first comes the Scriptures as “the authoritative source and norm;” then come the ecumenical creeds as “true declarations of the faith.” In the third place comes the Unaltered Augsburg Confession (to which Article VII belongs) as “true witness to the Gospel.” It comes only in the third place, yet it comes before the rest of the Book of Concord, which is ascribed as “further valid interpretations.” The problem, however, is that in this whole cascade of authoritative writings there is no reference that yields any legitimacy for the claim that the unity of the church is to be signaled by anything else but the Word that grounds the church and is in it brought to life in audible and visible form. Other things, like the belief in the Immaculate Conception, in mandating a fast to protest against world hunger, or in having an historic succession of bishops are human ordinances and precepts that might help or hurt the church, but they do not constitute signs of its unity.

However, one can argue that since the AC was itself a humanly drawn document that was brought about in a given time, it itself would be an authorizing witness to the fact that further such witnesses could be valid, at least in principle. If Philip Melancthon or Martin Luther could provide another “new definition” of the church, why, following the Protestant principle of *ecclesia reformatata semper reformanda est*, should we not accept, in the same spirit of the Reformation, in our day and age, the definition that for the unity of the church it is enough that the gospel be proclaimed, the sacraments administered and the bishops be in historic succession? I do have some sympathy with this contextual argument for it would allow us to introduce also some other “signs of unity” that are very close to my own agenda, like the solidarity with poor, the acceptance of all regardless of race, gender, class, etc.²

An Extra-Scriptural Addition?

However, this does not work. Melancthon’s “marks” of the church in AC VII are really neither marks nor innovations, but only pointers to what properly grounds the sufficient and necessary unity of the church: the gospel of Jesus Christ as it is conveyed to the church by the apostolic witness registered in the Scriptures. The proclaimed and taught word, and the sharing of the sacraments are functional attributes that point to the only basis that formally sustains the church: the Scriptures that come alive as the living Word that is proclaimed, taught and shared by the inner inspiration of the Spirit in and for the whole church in every generation and in every place. AC VII just states that the Word of God as found in the Scriptures comes alive in the church in audible and visible form. This “function” that signals the unity of the church is nothing but the very ground from which the church rises as a creature of the gospel by the work of the Spirit. Article VII is the *sola scriptura* principle at work. And the *sola scriptura* principle at work is called the church (*ubi verbum, ibi ecclesia*). The genius of AC VII is that it maintains the historic unity of the church on the basis of this single sign, the Scriptures, that come alive in and for every Christian in the whole church as this Word is proclaimed, taught

and shared in the sacraments by the work of the Spirit.

AC VII does not say what the church is, but where it is grounded. The article totally subjects the church to the principle that Scripture alone might reign (*sola scripturam regnare*). And it is on this basis that other material “marks” of the Church are to be developed, insofar as they correspond to the scriptural witness and the gospel at its core.³ Whatever exceeds the scriptural ground cannot be a sign of unity. Dissent in regard to it cannot, therefore, be viewed as schism or disloyalty.

When Lutherans call the Scriptures the formal principle of the churches of the Reformation they are entrusting its material content (the whole message of the Scriptures) to be conveyed to and by every Christian. Nothing beyond that is necessary. Would that then not also allow for something like the historic episcopate? If it would (which it does not, for it is not based on the Scriptures) did we need to add it as a sign of unity? Of course not. It would be a mute point as if one were to bring to a Churchwide Assembly a resolution mandating that a sign of unity of the church include the love of God and the love of the neighbor. My point here should be clearly heard: an additional sign beyond the furthering of the Word of God contained in and secured by the Scriptures is a radical departure from the scriptural principle. It definitely cannot be done as long as Article VII is and remains as “true witness,” for enough is enough. The logic seems clear, for if something is not in the Scriptures or cannot be derived directly from it, it is a human institution and, therefore, not necessary to be universally imposed, regardless of its desirability for the sake of love, peace and good order (AC XXVIII).

AC VII is not a listing of the marks of the church, it only says what the church does when the Holy Spirit allows for the Scriptures, as its “sole judge, rule and norm,” to come alive. Some theologians have spoken about a *satis est* reductionism, or the guillotine stroke of article VII.⁴ This can be read as an outward rejection of this article. Theologians and even the Church can decide to take this path, but let us be clear about the direction of this path. It is no longer the path of the Reformers.

What Does “is” in “is enough” Really Mean?

However, there is indeed a more subtle approach to neutralizing AC VII that I need to mention, for it suggests a possible way out of this conundrum of having the AC VII together with an extra-scriptural source of authority and sign of unity (which, as I have claimed, is a contradiction in which AC VII is functionally rejected). AC VII could be read to suggest a non-restrictive, non-exclusivist, and contextual interpretation of it, trying to soften its impact. In this interpretation the “is enough” is rendered: “under the circumstances of the Reformation it could be enough or appeared to be enough,” implying that under other circumstances it is not enough. This is a valiant attempt to update the “guillotine” by equipping it with an air bag. In this interpretation the argument is about what the verb “is,” in “is enough,” really means.

We know that the dispute over whether “is” is really “is” or should be rendered as “means” or “appears to be” is not a new one. It was raised and defended by Zwingli in the context of the dispute with Luther on the eucharistic words “this *is* my body” in which he claimed that “is” is not literally “is” but should be rendered as “means,” “symbolizes,” or “represents.” (More recently the same argument that claims that “is” is not really “is” was renewed by President Clinton, in a somewhat different context). The point of the argument is that if “is” is not really “is,” then the sharp and minimalist view of unity presented by AC VII, which contrasts the sufficiency of the scriptural principle with the inadequacy, even inappropriateness, of human institutions, is softened, opening up an interstice, suggesting an implicit lacuna, for something else to be inserted in AC VII that is not there.

In this light or soft reading of article VII in which “is” is rendered as “could be” or “appeared to be” the question is: what then is that which does not appear, and where is this unnamed entity that does not appear? And the answer is obvious, since Article VII is grounded in the *sola scriptura*: it is that which does not *appear*, does not come to light, in the Scriptures—

which is the basis on which AC VII is grounded. So it would be something that is not scriptural but is also not humanly instituted and therefore would be exempt from the *adiaphora* rule, and thus could be accepted and mandated as a sign of unity. This something could on that basis be regarded, alongside with the scriptures, as also normative as a sign of unity, even if not recognized by all the Lutheran Confessions, provided that “is” does not really mean “is” in the Zwinglian-Clintonian line of argumentation.

The argument I have been referring to calls for a third option, one that finds foundation in something that is neither scripturally based, nor a human institution.⁵ This might be a fine argument, but we need to be clear that if we accept it what we are giving up is the *sola scriptura*, AC VII’s intentionally minimalist view of Church unity. No matter whether we flatly reject article VII or subject it to a soft or fuzzy reading, the result is exactly the same: out goes the *sola scriptura*. This is then my first point, that the adoption of CCM implies the loss of the scriptural principle of the Reformation. This is then what we lose. Before we evaluate whether the damage can be afforded, let us first consider what is gained.

The Gift, Really?

I have argued that if we wish to affirm (as does the ELCA’s Constitution) the status of AC VII as the “true witness” then we cannot reject, soften, or even simply ignore the *satis est*. My next point is to pursue the reasons for why the adoption of the historic episcopate might be regarded as so important for the future of the ELCA. There are certainly many other issues that could equally or even with more legitimacy rise to the top of the ELCA’s ecclesial agenda. Since the unity of the Church has been maintained clearly and unceasingly through the preaching and teaching of the gospel and the administration of the sacraments, throughout history in accordance to the Scriptures, why is an additional sign being added at the cost of what has been attested as the “true witness”? What is this something that comes to us under the guise of a gift called “historic episcopate” that both the Confessions and the Scriptures are presumably mute about? Why would its adoption at all be

regarded as enrichment? What is under the wrappings of this “gift” laced with the ribbon of the historic episcopate? The silence as to what this “sign” stands for requires some historical explorations, for every sign does stand for something. The fact that this “thing” is not named in the discussions about the historic episcopate is in itself revealing!

This “gift” is an extra-scriptural norm that has a long tradition in the church, and which presents us with a very clear option. A long tradition, but also a dated one. To my knowledge it reaches far back in the history of the church, but not as far as the early church.

The argument, to my knowledge, is for the first time developed in orthodox Christianity by Basil of Caesarea late in the fourth century (374) in order to explain the institution of some practices that he regarded as normative, like, for example, the crossing of oneself or turning to the geographical East in prayer. “What writing has taught us to turn to the East at the prayer?”⁶ Basil’s own question is answered with another rhetorical question: “Does not this come from that unpublished secret teaching which our fathers guarded in a silence out of the reach of curious meddling and inquisitive investigation?” And he continues: “This is the reason for our tradition of unwritten precepts and practices, that the knowledge of our dogmas may not be neglected and condemned by the multitude through familiarity.”

In other words, the Scriptures are not enough; they must be supplemented by this unpublished secret additional information. And then Basil continues to give a further reason for the keeping of this secret knowledge that has been handed down outside of the Scriptures: “One form of this silence is the obscurity employed in the Scriptures, which makes the meaning of ‘dogmas’ difficult to be understood for the very advantage of the reader: Thus we all look to the East at our prayers.”

This passage of Basil will find its way, throughout the Middle Ages, into textbooks of canon law that argue for an extra-scriptural source for Christian dogmas in order to supplement and clarify the Scriptures.⁷ What is the source of this knowledge, where is it kept, and how is it transmitted? It comes from the presumed teachings and deeds of the glorified Christ’s 40 days on Earth after his resurrection which were

not recorded. The apostles, who were the eye witnesses of his resurrection and hearers of these secret teachings, presumably kept them and decided not to render them to writing. And it would then be transmitted from these apostles to their successors, the bishops in their historic succession.⁸

It is the presumption of this secret knowledge that is the necessary and exclusive condition in order to justify at all the maintenance of an historic episcopate, and then eventually (in the West) of the pope as the first among equals. What Article VII does is only to stay in line with the *sola scriptura*, for what it does by means of the *satis est* is exactly to deny such supplemental knowledge as norm and source. If this denial, or rather, the exclusive affirmation of the *sola scriptura*, is what reductionism means then we also know what a non-reductionism entails: the rejection of the *sola scriptura*. Fine and good, the church might want to do exactly that, but let’s name it for what it is. The tradition has called this theory of a secret knowledge entrusted to a selected few Gnosticism.

Episcopal Gnosticism

It is not irrelevant, however, that the notion of an historic succession of bishops commencing with the apostles is actually older than Basil and comes about exactly in the fight against Gnosticism. It comes from Irenaeus in the second century of our era. Ironically Irenaeus used it for precisely the opposite reasons than the ones claimed by Basil and the medieval canon lawyers. He was appealing to the apostolic tradition in order to establish the clarity and the wholeness of the Scriptures against those who asserted that the Scriptures “are ambiguous and that the truth cannot be extracted from them.”⁹ Irenaeus, unlike St. Basil, was writing in a time in which the canon of the Scriptures had not yet been fully acknowledged and received by the Church and many of its writings were rejected in the name of a secret knowledge kept by those who “maintain that the Savior privately taught these same things not to all but to certain only of his disciples.” Against them Irenaeus claims that “the entire Scriptures, the prophets, and the Gospels, can be clearly, unambiguously, and harmoniously understood by all, although all do not believe them.”¹⁰ “We

have learned from none others the plan of our salvation, than from those through whom the gospel has come down to us, which they did at one time proclaim in public, and, at a later period, by the will of God, handed down to us in the Scriptures, to be the ground and pillar of our faith.”¹¹

For Irenaeus, the church does not establish the canon, it receives it, and this reception is an act of humility in accepting it as ground and pillar of the faith of the church.¹² Conversely, once this canon has been received, it is the whole church that keeps it and is by this canon sustained, for it is clear to all. For Irenaeus, and we might add, for the Reformers, this makes any further claim for an historic succession or any other possession of secret knowledge at best obsolete or redundant, at worst theologically and scripturally indefensible. It is an irony that it is exactly by the time in which the canon had been largely accepted and received, in the fourth century, that the argument of a secretly kept oral tradition, the same argument of the Gnostics, was raised in order to set apart a particular office of the Church as possessing this knowledge that exceeds and supplements the scriptural records, presuming their insufficiency.

The merit of Basil was to recognize, in his time, that there was no reason whatsoever to maintain the historic succession as a sign of unity once the canonical Scriptures had been received, unless there would be a divine secret knowledge to be preserved outside of the Scriptures. His option was clear and inaugurated a new way to understand tradition to which many, even during medieval times,¹³ and above all the Reformers, took exception. Luther and the Reformers said no to this novel proposal and kept the faith of the ancient church as it has been preserved in the Scriptures. At least this is what the *Apology of the AC VII & VIII* clearly states: “Our opponents say that universal traditions should be observed because they are supposed to have been handed down by the apostles. How devout they are! ... To determine the apostles’ wish and intention ... we must consult their writings.”¹⁴ And enough is enough.

Public Scriptures vs. Secret Knowledge

Does this sound familiar, the argument for a spe-

cial knowledge that is kept secret from almost all baptized Christians, a knowledge not shared by all members of the priesthood of all believers? It should, for anyone familiar with Luther’s own favorite book, *The Bondage of the Will* (1525). Luther was arguing against Erasmus, the humanist Catholic who was unable to join the Reformation because he was not able to give up the conviction that some secret knowledge must be lodged somewhere in the Church since it is impossible for the average Christian to unveil the secrets hidden in the obscurity of the Scriptures. Luther’s case against Erasmus is not that the Scriptures are self-evident. Nothing could be less characteristic of Luther than this fundamentalist claim.¹⁵ His argument is rather that the Scriptures are clear (*claritas scripturae*), and that their perceived obscurity is the result of human resistance to accepting the guidance of the Spirit’s work in the whole church. The obscurity of the Scriptures for Luther necessitates prayer, meditation, and temptation so that the Spirit might reveal its meaning for us. It does not call for a secret knowledge. He explicitly rejects it. “It is true that for many people much remains abstruse; but this is not due to the obscurity of Scripture, but the blindness or indolence of those who will not take the trouble to look at the very clearest truth.”¹⁶ Therefore, says Luther, “on this account I have attacked the pope, in whose kingdom nothing is more commonly stated or more generally accepted than the idea that the Scriptures are obscure and ambiguous, so that the spirit to interpret them must be sought from the Apostolic See of Rome.”¹⁷ “The Scriptures are perfectly clear.”¹⁸

This is the option before us: we either follow the tradition of an ongoing interpretation of the scriptures (as the oldest tradition of the church which the Reformers maintained) or a double tradition (inaugurated by Basil and established by the medieval canon lawyers) that keeps the scriptural tradition alongside a secret, non-scriptural tradition. Of course, there are a number of arguments in modern Protestant and even Lutheran theology that have challenged the *sola scriptura* argument on many grounds, metaphysical, historical, moral, psychological and most recently in this neo-Gnostic version that I described above, which implicitly assumes a secret knowledge. In them, one often finds a considerable argument to

be discussed. Despite their novelty, however, they ultimately rest upon some foundational claims that the Reformers weighed and explicitly rejected.

The Gift as Trojan Horse

There is no reason to adopt the historic episcopate unless one regards the Scriptures as obscure and insufficient and in need of both a supplement and a secret key to unveil their meaning. Only such claims would legitimate an additional sign of unity. It is not difficult to understand why CCM has been regarded as a radical departure from the Confessional tradition of the Lutheran Church, and particularly of AC VII. Its adoption, as it has been called, is indeed a gift, the gift of a Trojan Horse, concealing inside what should not be kept as a secret any longer.

ENDNOTES

¹“Formula of Concord,” *The Book of Concord*, trans. and edited by Theodore G. Tappert (Philadelphia: Fortress, 1959), 465,7

²On this regard, unlike the historic episcopate proponents, we could call upon Luther’s own seven marks of the church in *The Councils and the Church*

(1539) where he lifts up suffering and the cross as a mark of the church. So, if in the words of Ed Trexler in his last editorial to *The Lutheran* we could afford an efficient “floor management,”—which is a reason he gave for the passing of CCM—we would be able to suavely impose our own desired *notae ecclesiae* and inscribe them into the Constitution of the ELCA. A tempting idea, indeed.

³The diversity found in the content of the Scriptures grounds also the diversity of faith expressions in the different plural expressions of the Church and its communities. See Ernst Käsemann, “Begründet der neutestamentliche Kanon die Einheit der Kirche,” in *Exegetische Versuche und Besinnungen*, vol. 1 (Göttingen: Vandenhoeck & Ruprecht, 1964), 214-223.

⁴Carl Braaten, *Mother Church: Ecclesiology and Ecumenism* (Minneapolis: Fortress, 1998), 80, 88, *passim*.

⁵Braaten suggests a *ius ecclesisticum* to be inserted between *ius divinum* and *ius humanum* to stand as “authority alongside . . . canonical Scripture . . .” *Ibid.*, 97.

⁶Basil, *On the Spirit* XXVII, 66.

⁷Heiko Oberman, “Quo Vadis? Tradition from Irenaeus to Human Genes,” *Scottish Journal of Theology* 16 (1963), 234.

⁸Heiko Oberman, *Forerunners of the Reformation: The Shape of Late Medieval Thought* (Philadelphia: Fortress, 1966), 54-55.

⁹*Against Heresies* III, 2.1.

¹⁰Idem, II, 27.2.

¹¹Idem, III, 1.1.

¹²See Oscar Cullmann, “La tradition,” *Cahiers Théologiques* 33 (1953), 41-52.

¹³Oberman, “Quo Vadis?” 235.

¹⁴*Book of Concord*, 175-76.

¹⁵See the study of Miika Ruokanen, *Doctrina Divinitus Inspirata: Martin Luther’s Position in the Ecumenical Problem of Biblical Inspiration* (Helsinki: Vammala, 1985). “Luther’s principle of *theologia crucis* legitimates the critical approach to the Bible avoiding all divinization of the letter . . . But . . . applying an external criterion to the theological evaluation of the Bible would mean applying ideological criticism alien to the essence of the Christian faith.” (146).

¹⁶LW, 33: 27.

¹⁷LW, 33:90.

¹⁸LW, 33:99.