Is an ethical *status confessionis* possible?

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ABSTRACT

This article argues that it is possible to declare a *status confessionis* on account of ethical issues. Discussions of the last 50 years confirm this. The article clarifies under what circumstances a *status confessionis* may be declared. It is always necessary to indicate clearly that the confession of the church is affected by the ethical situation in question. It is not sufficient to give a general reference to the gospel or to the teaching of Christ as the reason for declaring a *status confessionis*.

INTRODUCTION: BASIC PRINCIPLES

To the question whether an ethical *status confessionis* is possible, I cannot but answer in the affirmative. Though there is some vagueness surrounding the term *status confessionis*, I would like to think that, if a *status confessionis* is at all possible, then it is definitely also possible where ethical questions are concerned.

An ethical *status confessionis*?

The declaration published by the *Moderamen* (steering committee) of the *Reformierter Bund* in 1982, *Confessing Jesus Christ and the Responsibility of the Church*,[1] has triggered a new discussion on the question of a *status confessionis*. The catch-word *status confessionis* has subsequently been used in view of certain ethical questions, especially within the Reformed persuasion.

The World Alliance of Reformed Churches (WARC) does not deny the possibility of an ethical *status confessionis* in any of its writings. On the contrary, these writings argue strongly for the recognition and acceptance of a *status confessionis*. The 22nd General Assembly of the WARC in Seoul in 1989 reached the following decision[2]:

> *Every declaration of the* status confessionis *is based on the conviction that the integrity of the gospel is at stake. It is a call from error to truth. It demands of the church a clear and unambiguous decision on the truth of the gospel and identifies the contrary view in doctrine and conduct of life as heretical. The declaring of the* status confessionis *is related to the practice of the church as well as to her teaching. The practice of the church must conform with her doctrine that demands the declaration of the* status confessionis. *The declaring of the* status confessionis *must be directed at a specific situation. It draws error that threatens a particular church to light. At the same time the underlying danger of this error endangers the integrity of the preaching of all churches. Declaring the* status confessionis *in a specific situation is simultaneously aimed at all churches and calls them to join in with the profession of faith.*
>
> (WARC 1989:n.p.)

With this stance the WARC and the *Moderamen* of the *Reformierter Bund* in 1982 find themselves in concurrence with a position that Karl Barth and others have taken since the debate on rearmament in 1952.

The feasibility of an ethical *status confessionis* can also be supported by a reference to the official symbols of unity of the Lutheran church. In the *Formula of Concord Solida Declaratio* X the following is stated with regard to adiaphora[3]:

> *We also believe, teach and confess that at the due time of professing the faith, when the enemy seeks to suppress God's word – the sound doctrine of the Holy Gospel – God's entire communion, yea every Christian man, but especially the ministers of the Word as the superintendents of God's communion are in duty bound to confess frankly and publicly not only by word but also by deed and action, on the strength of the word of God, the doctrine and what belongs to the faith as a whole …*
>
> (Deutschen Evangelischen Kirchenausschuß 1930:616)

Karlheinz Stoll, the then presiding bishop of the United Evangelical Lutheran Church in Germany (VELKD) articulates the Lutheran reaction to the peace declaration of the *Moderamen* of the *Reformierter Bund* in 1982.[4] Although he denies that the response to the issue of weapons of mass destruction should be seen as a *status confessionis*, he nevertheless expressly affirms that an ethical *status confessionis* is possible. In this regard he refers to the above-mentioned assertion in the Formula of Concord as follows:

> *The already cited sentence in the Formula of Concord, we are "bound to confess not only by word but also by deed and action" is founded on the claim that the Christian has to answer the word of God that is directed at him, at any time and everywhere. In the* status confessionis *this situation is interrupted or the question of*

1.See *Moderamens des Reformierten Bundes* (ed.), 1982, '*Das Bekenntnis zu Jesus Christus und die Friedensverantwortung der Kirche*', Mohn Verlag, Gütersloh, reprinted at scp.sagepub.com/cgi/reprint/32/2-3/203.pdf, viewed on 19 September 2009.

2.See RWB, *Dokumente und Berichte, Generalversammlung* Seoul, 15–26 August 1989, Genf 1990, p. 85.

3.See Deutschen Evangelischen Kirchenausschuß (ed.), 1930, 'Die Bekenntnisschriften der evangelisch-lutherischen Kirche (1057)', p. 616, Göttingen.

4.Analogous to Boenhoeffer's resistance against the '*Arier-Paragraphen*' in 1933.

> *professing is being brought to a climax. All and everything can become the cause of this exceptional case.*[5]
>
> (Stoll 1984:79)

He continues: 'It cannot be denied that political events or decisions (or undecidedness) can make a *status confessionis* inevitable for the church or for individuals' (*ibid*. 1984:80). In view of the previous apartheid regime in South Africa, the 6th General Assembly of the Lutheran World Federation in 1977 in Dar Es-Salaam (Tanzania), declared 'that the situation in South Africa represents a *status confessionis*'.[6]

In 1996 Pöhlmann explained it as follows:[7]

> *The confession of the Church is abused and misappropriated when the* status confessionis *is proclaimed concerning an ethical matter of opinion where one Christian – on the basis of his Christian conscience – decides with yes, another one with no (as e.g. in the controversy on how to secure peace). On the other hand the church's confessing Christ will become un-credible if she refrains from drawing political consequences in an undisputed ethical question.*
>
> (Pöhlmann 1996:27)

Pöhlmann discusses the circumstances that can lead to the declaration of an ethical *status confessionis*. He does not address the issue of whether such a declaration is at all feasible.

Notger Slenczka concludes his short account of the history of the term *status confessionis* with the following remark:

> *The border line of the misuse of the term is arrived at when the proclamation of the* status confessionis *places man's relation to God under conditions which only through the arbitrariness of those that proclaim the* status confessionis *are connected to the profession of faith in Jesus Christ.*[8]
>
> (Slenczka 2004:n.p.)

It therefore follows that on the one side of the so qualified border line the legitimate use of the term is possible. Such use is not clarified further by Slenczka.

Ethical *status confessionis* as an undeniable option

If an ethical *status confessionis* is undeniably an option, it is so for valid reasons. The regional Protestant churches (member churches of the Evangelical Church in Germany) adhere to the creeds referred to in the symbols of unity, which are, as a rule, specified in the basic document of a regional church (church constitution/church order/basic order). The symbols of unity of the Lutheran and the Reformed churches (in Germany), and hence also of the united regional churches, contain catechisms – Luther's long and short catechism in the Lutheran symbols of unity, and the Heidelberg catechism in the Reformed churches. Catechisms contain an explanation of the creeds of early Christianity, the Lord's Prayer and the Ten Commandments. The second table of the Ten Commandments contains the ethical commandments. This means that ethical commandments are part and parcel of the Church's creed. This supports the following simple syllogism:

- Undeniably a *status confessonis* can be the response to any issue laid down in the symbols of unity of a church
- The symbols of unity of all regional Protestant churches (in Germany) contain catechisms and therefore also ethical commandments
- Consequently it is undeniably true that a *status confessionis* concerning ethical matters is possible.

Human behaviour which arises from specific motives and urges is always accompanied by thoughts and considerations that can be verbalised. People are accountable. They are responsible beings, even if they should refuse to take responsibility. Therefore, according to the Christian view, all condemnable behaviour is based on convictions that are unacceptable to Christian belief. Therefore, 'ethical heresy' rests on doctrinal heresy in the widest sense of the term. For example, the (wrongful) legal system of apartheid was based on a heretical image of humanity. It therefore was absolutely and unconditionally condemnable.

In the case of an ethical *status confessionis*, the legitimate Christian doctrine is explicated over and against those questionable actions that are not in accordance with Christian doctrine and that are therefore condemned. The General Assembly of the WARC in Seoul in 1989 put it as follows: 'The practice of the church must conform to the profession of faith that demands the declaration of the *status confessionis*'.[9]

ITEMS OF UNCLARITY

It is unclear what the term *status confessionis* is meant to denote today. Martin Schloemann explains it as follows:[10]

> status confessionis. *1 term. Neolatin. Term used in German Protestant language in the 20th century. The expression "*in status confessionis*" meaning "being in a state that requires professing the faith" is (first?) found in Kirchliches Handlexikon 1887 (1st ed), page 689.* Status confessionis *(or similar expressions, e.g. that something is an issue of faith) is meant to point to a special situation for the life of the church that, because of posing a severe danger to key issues of the Christian faith, calls for a clear statement or regulation, internally or externally.*
>
> (Schloemann 1987:n.p.)

Christian Peters points out: 'During the 20th century the term has been used increasingly more imprecisely. For further use this calls for greatest care'.[11] At this point a brief historical overview of the term is necessary.

After the defeat of the Schmalkaldic League in 1548, the emperor proclaimed an interim settlement in certain areas of church life in the Protestant territories, which lasted until a decision was taken by the general council. This led to controversy among Lutherans as to whether they should yield to the request of an emperor whose armed forces were rather intimidating, or whether to resist even at the price of martyrdom. In opposition to Philip Melanchthon, Matthias Flavius Illyricus held the opinion that under the given circumstances, the return, demanded by the emperor, to certain rituals (e.g. ecclesiastical robes, keeping Lent) could not be made, even though they concerned areas where Christian freedom left a choice. Though such rites could, strictly speaking, be tolerated, for Flavius such an imperial demand ran counter to the confession of the truth of the Gospel – that is, to the Gospel itself. Furthermore, conceding to these demands would irritate Protestant believers. They could not but interpret this as a return to papism (*casus scandali*). Flavius coined the classical principle: *Nihil est adiaphoron in casu confessionis et scandali* (Nothing is irrelevant or neutral in the case of professing the faith and of ignominy).

In the following centuries the term *casus confessionis* was rarely used. Since the end of the nineteenth century the term *status confessionis* rather than *casus confessionis* was utilised. The term *casus scandali* and the matter to which it referred (the effect of ecclesiastical actions on church members and their ensuing irritation at being misled), disappeared from the scene.

5.Stoll, K., 1984, '*Status confessionis: Das Bekenntnis des Glaubens zu Jesus Christus im Zeitalter der atomaren Gefahr*', p. 79, Hannover.

6.Heßler, H-W., (ed.), 1977, 'Daressalam 1977, epd Dokumentation, Bd. 18, p. 212, Frankfurt am Main; *cf.* Stoll, 1984, p. 53ff.

7.Pöhlmann, H.G., 1996, 'Sinn und Zweck von kirchlichen Bekenntnisse', in H.G. Pöhlmann, T. Austad & F. Krüger (ed.), *Theologie der lutherischen Bekenntnisschriften*, pp. 27f., Gütersloh.

8.Sleczka, N., 2004, '*Status confessionis*' in *Religion in Geschichte und Gegenwart*, Bd. 7, Sp. 1692, 4th edn..

9.See RWB, Dokumente und Berichte, Generalversammlung Seoul, 15–26 August 1989, Genf 1990.

10.Schloemann, M., 1987, '*Status confessionis*', in R. Herzog, H. Kunst, K. Schlaich & W. Schneemelcher (eds.), *Evangelisches Staatslexikon* 3, neubearbeitete Auflage, Bd. 2, Sp. 3487, Stuttgart.

11.Peters, C., 2006, '*Status confessionis*', in W. Heun, M. Honecker, M. Morlok, & J. Wieland (eds.), *Evangelisches Staatslexikon*, Neuausgabe, Sp. 2364, Stuttgart.

The recent history of the term is briefly summarised as follows by Christian Peters:

> *In the 20th century the term* status confessionis *was revived and re-coined in most diverse ways. This happened first of all – and hardly incidentally – in the controversy with the totalitarian ideology of National Socialism pursuing the transformation of life and faith of the church (sparking off the formation of a confessing church placing emphasis on confessing Christ). At the start of the prosecution of the Jews, Dietrich Bonhoeffer (1906–1945) saw an event that forced the church to proclaim a* status confessionis *(Die Kirche vor der Judenfrage, 1933). In its essence the Barmen Theological Declaration of May 1933 can be understood as a proclamation of the* status confessionis, *although it did not explicitly make use of this term.*
>
> (Peters 2006:n.p.)

After World War II a *status confessionis* was mainly proclaimed in connection with issues concerning the ethics of social affairs and was mostly combined with questions regarding the community of churches. Examples are the *Kirchliche Bruderschaften* in 1958, the General Assembly of the Lutheran World Federation in Dar Es-Salaam in 1977, the General Assembly of the WARC in Ottawa in 1982 (apartheid and the churches in South Africa/apartheid in general) and the *Moderamen* of the *Reformierter Bund* in 1982 (discussion of peace policy; controversy over the legitimacy of proclaiming a *status confessionis* on matters of political ethics).[12]

Martin Schloemann distinguishes three contexts of meaning in which the term *status confessionis* occurs:[13]

- In defence of the Gospel within the Church itself

Examples of this include the dispute on the interim measures in the 16th century, the church's struggle during the Third Reich, and Bonhoeffer's struggle against the implementation of the Aryan clause (demanding that no Jew should hold office) in the church. Though not quite calling it a *status confessionis*, Bonhoeffer (in April 1933) also objected to Jews being placed outside of the protection of German law. On the whole, in the case of both Bonhoeffer's and the church's general struggle, a *status confessionis* was the reaction to specific ecclesiastical decisions (doctrine, membership, admission to the ministry, misuse of leadership power). This was also the case with Karl Koch's inaugural address in Barmen in 1934.[14]

- In response to political and ethical issues

In parts of the Evangelical Church a new approach (different to the Reformation and particular struggles of church) led to a shift towards the political and ethical use of the term *status confessionis* which dominates today. The term no longer refers exclusively to ecclesiastical motives, but can also be a response to an evil in the world, a menace to the existence of mankind. This means that not only 'the Christians are taken up on their duty as citizens but that also the church herself is placed in the *status confessionis*' (Sp. 3488). According to Schloemann this shift had already begun towards the end of the 1930s with Karl Barth turning to a 'witness of a political divine service' (Sp. 3488). It continued with the discussion on rearmament from 1952 onwards, on the resistance to nuclear armament from 1958 onwards, and led up to the Peace Declaration of the *Moderamen* of the *Reformierter Bund* in 1982. Schloemann points out that, contrary to traditional ideas, here the 'political responsibility of the church for the world itself' is seen as one of the central characteristics of church unity (Sp. 3488).

- Declarations with political implications

In this regard Schloemann refers to the Lutheran World Federation's (Dar Es-Salaam 1977) resolution on South Africa as well as the declarations of the General Assembly of the WARC in Ottawa in 1982, in Seoul in 1989, in Debrecen in 1997 and in Accra in 2004. The following was declared in Seoul (1989):

> *Each declaration of the* status confessionis *is based on the conviction that the integrity of the gospel is at stake. It is a call from error to truth. It demands of the church a clear and unequivocal decision for the truth of the gospel and identifies the contrary view in doctrine and life as heretical. ... The declaring of the* status confessionis *refers to the practice of the church as well as to her teaching.*[15]
>
> (RWB 1989:n.p.)

Here a church-related declaration caused by an event inside the church is the focus. However, the citation from the Seoul declaration mentioned here as an example, is not always clear. The church that is seen as the agent of the act of confessing and as being in *status confessionis*, is at the same time meant to be the receiver of her own confession. A clear and unequivocal decision for the truth of the gospel is demanded of her, with reference to her practice and teaching. This demand for confession is, however, neither addressed to the church members nor to the institutions. That begs the question: who is 'the church' that confesses and who is 'the church' to whom the confession is addressed?

The Barmen Confessing Synod, in its day, clearly indicated who was speaking and whom was addressed: 'The confessing synod of the German Evangelical Church declares ...' and 'The synod asks all who are concerned to return to the unity of faith, love and hope'.[16] True and false church are clearly distinguished

> *in view of the errors of the 'German Christians' and the incumbent German church government which devastate the church and thereby also break up the unity of the German Evangelical Church.*[17]

This clarity is often missed when the term *status confessionis* is used today. No precise contents can be extracted from the phrasing, although it sounds very resolute. In the case of the Seoul declaration it does not seem as though the 'true church' is challenged to confess against the 'false church'. It rather seems as though some churches as social institutions (strictly speaking: some member churches of the WARC) proclaim the *status confessionis*, thereby confronting other member churches of the same alliance or all other churches (again as social institutions). A clear definition concerning the situation in which a confession is (possibly) called for, and who exactly the opposing entities who declare a *status confessionis* would be, is lacking.

In contrast to Seoul 1989, the General Assembly of the WARC in Debrecen in 1997 clearly distinguishes between those who confess and those to whom the confession is directed:[18]

> *In the past we have called for a* status confessionis *in cases of manifest racial and cultural discrimination and genocide. Today we call the member churches of the WARC on every level to an obliging process of increasing perception, clarification and of confessing* (processus confessionis*) regarding economic injustice and ecological destruction. The General Assembly urges the WARC and her member churches to work towards the drafting of a creedal statement that will express justice for the whole of God's household, reflect precedence for the poor and support an ecologically sustainable future ....*
>
> (WARC 1997:n.p.)

12. Peters, C., 2006, '*Status confessionis*', in W. Heun, M. Honecker, M. Morlok, & J. Wieland (eds.), *Evangelisches Staatslexikon*, Neuausgabe, Sp. 2364, Stuttgart.

13. Schloemann, M., 1987, '*Status confessionis*', in R. Herzog, H. Kunst, K. Schlaich, & W. Schneemelcher (eds.), *Evangelisches Staatslexikon* 3, neubearbeitete Auflage, Bd. 2, Sp. 3487–3490, Stuttgart.

14. Schloemann, M., 1987, '*Status confessionis*', in R. Herzog, H. Kunst, K. Schlaich, W. Schneemelcher (eds.), *Evangelisches Staatslexikon* 3, neubearbeitete Auflage, Bd. 2, Sp. 3488, Stuttgart.

15. See RWB, Dokumente und Berichte, Generalversammlung Seoul, 15–26 August 1989, Genf 1990.

16. *Evangelisches Gesangbuch.* Ausgabe für die Ev. ref. Kirche, 1664.

17. *Evangelisches Gesangbuch*. Ausgabe für die Ev. ref. Kirche, 1661.

18. See World Alliance of Reformed Churches 1997, 'The declaration of Debrecen. Adopted by the 23rd general council, Debrecen 1997', viewed on 18 September 2009, from warc.ch/where/23gc/declar.html.

This creedal statement is to be worked out and accepted by the member churches of the WARC. It is not stated clearly to whom it is supposed to be addressed. Are the 'cases of racial and cultural discrimination and genocide' attributed to the member churches of the WARC or to other churches? Or are these cases attributed to other agents, presumably governmental or quasi-governmental entities? Or to both? The call for a *processus confessionis* on the other hand is directed inward, to the member churches of the WARC on all levels. The planned drafting of a creedal statement is evidently part of the cited *processus confessionis*. However, it is probably not directed at the economy of the member churches of the WARC (or is it?). The text does not indicate clearly who is called upon to profess and what exactly is to be professed.

Furthermore, when the wording is in the past we have called for a *status confessionis* whereas now the call is for a *processus confessionis*, the matter evidently lacks clarity.[19] The impression is that terms such as *status confessionis* and the frequently used *confessing/professing* or *confession* are simply useful for sounding the alarm. If this is the case, these terms lose their validity, become useless for further communication and are ruined for further theological discourse. In 1987 Martin Schloemann pointed out:

> *The new expression* status confessionis *is used with great restraint in scholarly theology because of its unclarity caused by a confusing usage in disputes (it can mean: state, point of time, process, reason, controversy, reaction and the like).*[20]
>
> (Schoemann 1987:n.p.)

Statements of churches are evidently often first drafted with great emotional involvement and corresponding highly radical language, then disputed, and finally agreed upon. Such emotional rhetoric does not command the attention of churches or the general public and is therefore ineffective.

Furthermore, ecumenical announcements are often unclear and cause irritation because of inaccurate translation. The 24th General Assembly of the WARC in Accra in 2004 has laboured to give precision to the terminology in question:[21]

> *A faith commitment (*Glaubensverplichtung*) can be expressed in different ways according to regional and theological traditions: as confession (*Bekenntnis*), as a joint act of confessing (*Akt des Bekennens*), as an act of being faithful (*Akt der Treue*) to God's covenant. We have chosen the word confession (*Bekennen/Bekenntnis*), not in the sense of a classic doctrinal confession (*Lehrbekenntnis*) – that is not within the authority of the WARC – but to point to the necessity and urgency of an answer to the challenges of our time, and to the appeal of Debrecen. We invite the member churches to adopt our joint witness and to discuss it.*
>
> (WARC 1997:n.p.)

This clarification throws a different light on the use of the term '*Glaubensbekenntnis*' in the declaration of the 23rd General Assembly of Debrecen.[22] Obviously they did not mean to draft a document that was to take the place of the Apostolic Creed or the official confessions of churches in general. It is not a doctrinal confession but rather an *explication* of the official confessions in view of specific present-day circumstances. The English expression 'confession' (of faith) should not be translated into German with the word *Glaubensbekenntnis* – as this is equivalent to how the English-speaking world views the *Apostolic Creed* or simply *the Creed*. It was erroneous and misleading when the German version of the Debrecen (1997) resolution used the formulation of *Glaubensbekenntnis*. The expression *status confessionis* as a (German) theological professional term with very specific connotations can possibly not be translated at all.

TOWARDS GREATER CLARITY

The statement that the feasibility of an ethical *status confessionis* is both undenied and undeniable and rests on the assumption the official confession of faith is under threat, which requires necessary measures. By means of a *status confessionis* the official confession is applied to a specific situation in light of present-day problems. The conclusions that are drawn are presented for all concerned to decide for themselves on the matter.

This connection of the proclamation of the *status confessionis* and the official confession of the church is rarely expressed clearly. It might arouse vigorous opposition among Reformed Christians, especially in Germany where the term 'confession' (*Bekenntnis*) and even more so *symbol of unity* (*Bekenntnisschrift*) are so closely linked to the Lutheran tradition. No one would want to deny their commitment to the Creed and confession of faith (although the constitution of the ErK is unequivocal on this matter in §1 clause 4). In the consciousness of most church members and especially ministers the word 'confession' does not refer to the official symbols of unity of their church, but rather to professing Jesus Christ or, as the General Assembly of the WARC in Seoul in 1989 said, to 'the integrity of the Gospel'. Their formulation 'the practice of the church must conform with the confession that calls for the declaration of the *status confessionis*'[23] still leaves the issue of what precisely is meant by confession unanswered.

This focus on Jesus Christ, the Gospel or the Bible rather than on the existing creeds and confessions, is a characteristic feature of Reformed churches, at least in Germany. Thereby they (unwittingly) follow the Enlightenment view that was taken further by the liberal neo-Protestantism of the 19th century.[24] The majority of Reformed theologians in Germany were members of the liberal *Protestantenverein* (Society of Protestants). Others were formed by pietistic traditions and were therefore indifferent to the official confessions of the church. They preferred to 'base their faith on the Bible' (seeing themselves as 'positive Christians'). Their attitude toward the established confessions of the church lives on among Reformed Protestants – unrecognised but also unbroken. Müller, 19th century professor of Reformed theology at Erlangen, put it as follows:[25]

> *A Christian ecclesiastical communion as a section of the Church of Christ, founded on the profession of the name of Jesus, indispensably needs the Creed or confession, and – if acting in an orderly fashion – cannot do without summing up this profession in written form to become a symbol. Accepting the gospel or confessing Christ is the indispensable criterion of a Christian church. "Undogmatic Christianity" can only be thought possible by someone who wants a reduction of expanded forms to only a few sentences, without realizing that those sentences still contain doctrines which have to be accepted by those who want to be counted as Christians. Here I am not speaking of the extent of the confession yet. I only want*

19. Footnote 25 from original German presentation, see author's remark: '*Zu einem status confessionis kann man nicht „aufrufen"; man kann ihn feststellen, proklamieren, auch: sein Vorliegen bestreiten; allenfalls kann man dazu aufrufen zu erkennen oder anzuerkennen, dass der status confessionis gegeben ist. Der mögliche Sinn des Begriffs processus confessionis hat sich mir bisher nicht erschlossen*'.

20. Schloemann, M., 1987, '*Status confessionis*', in R. Herzog, H. Kunst, K. Schlaich & W. Schneemeicher (eds.), *Evangelisches Staatslexikon* 3, neubearbeitete Auflage, Bd. 2, Sp. 3487, Stuttgart.

21. Accra 2004, Proceedings of the 24th General Council of the World Alliance of Reformed Churches, Accra, Ghana, 20 July - 12 August 2004. Published in 2005, World Alliance of Reformed Churches (Geneva), viewed on 19 September 2009, from openlibrary.org/b/OL20146697M.

22. See World Alliance of Reformed Churches 1997, 'The declaration of Debrecen. Adopted by the 23rd general council, Debrecen 1997, viewed on 18 September 2009, from warc.ch/where/23gc/declar.html.

23. See RWB, Dokumente und Berichte, Generalversammlung Seoul, 15–26 August 1989, Genf 1990.

24. See Rohls, J., 2007, '*Die Confessio Augustana in den reformierten Kirchen Deutschlands*', *ZThK* 104(2), 207–245, esp. pp. 233ff; *cf.* Jacobs, M., 1994, '*Das Bekenntnisverständnis des theologischen Liberalismus im 19. Jahrhundert*', in *Confessio und Res Publica*, pp. 237–297, Göttingen; Bornkamm, H., 1961, '*Die Bedeutung der Bekenntnisschriften im Luthertum*', in *Das Jahrhundert der Reformation*, pp. 219–224, 2nd edn., Göttingen; Mehlhausen, J., 1995, '*Kirche zwischen Staat und Gesellschaft: Zur Geschichte des evangelischen Kirchenverfassungsrechts in Deutschland (19.Jahrhundert)*', in G. Rau, H.R. Reuter & K. Schlaich (eds.), *Das Recht der Kirche, Bd II: Zur Geschichte des Kirchenrechts*, pp. 193–271, Gütersloh.

25. Müller, E.F.K., 1896, *Symbolik. Vergleichende Darstellung der christlichen Hauptkirchen nach ihrem Grundzuge und ihren wesentlichen Lebensäusserungen*, Erlangen/Leipzig.

> *to establish here that every genuine church possesses a confession – and be it only the apostolic basic formula "*Kyrios Iesous*". The making of this confession is the symbol for belonging to Christ and his church. It cannot be upheld that there is an absolute necessity to expand the confession beyond this simple formula. A historical necessity arose without it having been sought for: against errors that had put a wrong content under this short formula the church not only had to describe more exactly what kind of Jesus she comprehended but also in which way he had to be believed as Lord and Christ if one aims to hit the meaning of this first formula.*
>
> *Basically all symbols have their origin in the way of such historical compulsion ... To let confessions which in no way are binding symbols still be valid in a church means not to follow the notion of a community imbedded in history to its proper end. The conviction that churches not possessing a confession in a legal form really have no confession at all is an illusion. For either, should the occasion arise, the living reaction of the common spirit will replace the missing legal form, or the churches in question falsely carry the title of church.*
>
> (Müller 1896:29–31)

In a footnote Müller (p. 31) added:

> *The union document of the Church of the Palatinate of 1818 in §3 articulate* [sic] *the legal elimination of all confessional symbols except the Scripture: "no other doctrinal standards". In many Swiss cantons any obligation is abolished, and the Dutch state church only demands of her ministers the pledge "as a minister of the Gospel to further the Kingdom of God" ... Here one can certainly have strong doubts about the title of a Christian church.*
>
> (Müller 1896:31)

Lukas Vischer asserts the following in response to the General Assembly of the WARC in Ottawa in 1982:[26]

> *The debate on apartheid in South Africa was especially significant in this respect. The General Assembly declared that any "theological or moral justification of apartheid is a theological heresy" and therefore constitutes a* status confessionis. *What common* confessio *was the presupposed foundation of this declaration? The question was left without an answer for some time ....*
>
> (Vischer 1982:VI)

This statement presupposes that the declaration of a *status confessionis* refers to a *confessio*, a symbol of unity, and that this causes specific problems within the Reformed church family.

Some ministers in the ErK today understand §1 clause 4 of the church constitution as that creeds and confessions remain valid until 'a higher perception of the faith, in compliance with Scripture, may lead us further on'. The implication is that one has the freedom to view as Christian doctrine only that which, in accordance with one's own perception, conforms to the testimony of Holy Scripture. In the spirit of theological liberalism they view the quoted formula as authorising individual independent interpretation of the substance of the faith, since every Christian, or at least every professional theologian, has immediate access to God. They understand the famous formula *quia et quatenus* (the confession is valid because and as far as it is in keeping with Holy Scripture) as the *reservatio mentalis* (mental reservation) of the theologian. They do not take into consideration that with such an understanding the character of the church as a communion of believers will quickly fade away and the church will become nothing more than an association of like-minded people. This purportedly Reformed 'confessional relativism' does not correspond to the original meaning of that formula of reservation that first appears in similar words in the Basel Confession of 1534.[27] It simply expresses the Reformed scriptural principle that the confession of the church as *norma normata* must always allow itself to be corrected by Holy Scripture as *norma normans*. This view is not exclusively Reformed; its importance can also be seen in the Lutheran symbols of unity.[28] But the liberal interpretation of the formula of reservation not only forms the self-perception of the Reformed people but also the perception of other denominations up to this day.

Contrary to the Lutheran tradition, the Reformed tradition has not developed a uniform *corpus doctrinae*. Reformed confessions in their multiplicity mirror the theological autonomy of the national, territorial and local churches that were 'reformed' according to the Word of God. A single Reformed church can be classified as reformed on the basis of her history rather than an exclusive confessional document.[29] However, this does not imply that the extant confession could be replaced by a newly drafted one at any time. At least in the Reformed churches in Germany during the almost 450 years since the publication of the Heidelberg Catechism in 1563/64 no other document has replaced it in its quality as a symbol of unity. The Barmen Theological Declaration that has acquired the rank of a symbol in quite a few German regional churches is not a new confession or creed, but rather is an explication of the official symbols in light of certain pressing problems of the day.

The questions to be considered were raised by Lukas Vischer in his foreword to *Reformiertes Zeugnis heute: Eine Sammlung neuerer Bekenntnistexte aus der reformierten Tradition:*[30]

> *The multiplicity of temporary confessions is in the first place an indication of the vitality of the churches. But this collection at the same time raises quite a number of questions to which at present the Reformed churches have not yet found the answers. There is first of all the question of continuity of confessing in the Reformed tradition ... What is the relation of the earlier confessional documents to those of the present time? Are the earlier confessions the criterion for what can be called Reformed? Or must the earlier confessions be re-interpreted in the light of the newer declarations? ... Although there is no denying that different situations call for a different emphasis, at the same time it is essential that a mutual accordance can be discerned. One church can never stand on her own, isolated from others. With her confession she cannot retreat into her own closed circle but is accountable to the other churches concerning her preaching and teaching.*
>
> (Vischer 1988:VII)

Similar questions arise when a church proclaims a *status confessionis*. The Barmen Theological Declaration of 1934 is a good prototype for a *status confessionis*, although it does not call itself that. It displays the following characteristics:

- it is built on a Biblical foundation
- it explicates the official doctrine of the Church, while focusing on the controversial matter at hand
- from this the necessary verdicts of condemnation result.

The proper authority for declaring the *status confessionis* is the highest court or institution of a church that is the authority for determining the basic confessional testimonial (e.g., for the ErK this is the General Synod, voting with the majority required for altering the church constitution). This follows from the

26. Vischer, L., 1982,'Vorwort', in L. Vischer (ed.), *Reformiertes Zeugnis heute: Eine Sammlung neuerer Bekenntnistexte aus der reformierten Tradition*, p. VI, Neukirchen.

27. Formula 583, pp. 15ff; see Heiner Faulenbach, 2002. '*Das Basler Bekenntnis von 1534*', in *Reformierte Bekenntnisschriften*, Bd. 1/1, pp. 1523–1534, bearbeitet von Eberhard Busch, Neukirchen.

28. 'Konkordienformel. Solida Declaratio, Von dem summarischen Begriff', 1930, in Deutschen Evangelischen Kirchenausschuß (ed.), *Die Bekenntnisschriften der evangelischlutherischen Kirche*, esp 837, pp. 9ff., Göttingen; *cf.* Schlink, E., 1947, *Theologie der lutherischen Bekenntnisschriften*, 2nd edn., München; Brunstäd, F., 1951, *Theologie der lutherischen Bekenntnisschriften*, Gütersloh; Fagerberg, H., 1965, *Die Theologie der lutherischen Bekenntnisschriften von 1529 bis 1537*, Göttingen; Mildenberger, F., 1983, *Theologie der Lutherischen Bekenntnisschriften*, Stuttgart; Wenz, G., 1966, *Theologie der Bekenntnisschriften der evangelischlutherischen Kirche*, Bd 1, pp. 39–41, Berlin/New York; Horst G. Pöhlmann, 1996. 'Sinn und Zweck von kirchlichen Bekenntnisse', Pöhlmann, H.G., Austad, T. & Krüger, F (eds.), *Theologie der lutherischen Bekenntnisschriften,* pp. 25–30.

29. *cf.* Mehlhausen, J., 1987, 'Bekenntnis, I', in R. Herzog H. Kunst, K.I. Schlaich & W. Schneemelcher (eds.), *Evangelisches Staatslexikon*, Bd. 1, SP. 188–198, esp. Sp. 195, 3rd edn., Stuttgart.

30. Vischer, L., 1988, 'Vorwort', in L. Vischer (ed.), *Reformiertes Zeugnis heute: Eine Sammlung neuerer Bekenntnistexte aus der reformierten Tradition*, pp. VIIff. Neukirchen.

dependence of the *status confessionis* on the official confessional documents of the church.

In addition, individual Christians or groups of Christians are free to plead for their conviction (and also to do this publicly) that a *status confessionis* should be called on account of a specific matter. They can attempt to prompt the proper authority of the Church to declare a *status confessionis*. However, these individual convictions, though they may be testimony to a so-called 'prevailing opinion', have no binding power.

The addressees of a *status confessionis* proclamation are the members of the church in question; they are asked for a decision on the stand they wish to take regarding the particular matter. This means that not only individual Christians, but the church as a whole is called upon to profess (as an organisation) and become a confessing church. A simple example is the following: should Germany come up with the idea to reintroduce legal slavery, the church would have to proclaim a *status confessionis* since slavery is irreconcilable with the Christian image of human beings. The consequence of the proclamation of a *status confessionis* would be that individual Christians should not own slaves themselves, even though it would be legally permitted, and furthermore should use their voice as citizens to stand up against the new law. It would also imply that the Church as an organisation would be compelled to oppose such a plan or a statute, immediately and publicly, without taking into account any disadvantages or danger to herself.

The proclamation of a *status confessionis* has legal consequences. Firstly, there would be consequences in the church as such: officers of the church (ministers and elders) who take a stand against the substance of the proclaimed *status confessionis* would lose their office, and church members who insisted on contradicting the content of the *status confessionis* would face excommunication. A separation is inevitable because in a *status confessionis* the true church stands up against the false church. As a rule the consequence of the proclamation of the *status confessionis* would be a schism. Secondly, there are external legal consequences. Existing ties between the church proclaiming a *status confessionis* and other churches are at stake. If partner churches do not follow suit, then the partnership will break up. Whoever would set off to declare a *status confessionis* should realise this before they start out. A *status confessionis* can in no way be had cheaply. If a church chooses to make a clear decision on an important question and it should opt to use the term *status confessionis*, they should really mean it, know what it is they mean, and be ready to face the consequences.

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