

The **LUTHERAN** **CLARION**



Lutheran Concerns Association
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The LCMS District Presidents and their Powers

Pastors and congregational chairmen may have noticed that the *2016 Handbook* of The Lutheran Church—Missouri Synod (hereafter LCMS), containing its current Constitution, Bylaws, and Articles of Incorporation, is now available in electronic but **not in print form**.¹ This is because the 2016 convention did not decide how to revise Bylaws 2.14-2.17 or how to resolve the complex issues those bylaws entail. Instead, by means of Resolution 12-14 (Regarding the Right of an Accuser to Appeal when a District President or President of the Synod Fails to Act or Declines to Suspend), the convention gave those tasks to the LCMS Board of Directors and Council of Presidents, which are still busy with that work.²

What are the complex issues that made decisions about Bylaws 2.14-2.17 so difficult for the convention? They have chiefly to do with the synodical expulsion process³ and who is authorized to carry it out. Since 2004, cases of expulsion of congregations or church-workers from the synod⁴ are administered by district presidents—who may terminate those cases preemptively—while cases not terminated are decided by panels of two district presidents and one reconciler. Expulsion cases that are appealed are decided by panels of three district presidents. This means that district presidents are heavily involved in deciding all cases of restriction, suspension, and expulsion in their own districts, as well as cases in our other districts.

What is the problem with district presidents preemptively terminating some expulsion cases and deciding other cases? The problem is explained by the principle known as the “separation of powers,” about which every U.S. citizen should have learned something in high school. LCMS district presidents, along with the synodical president, possess and assert the executive powers of the LCMS. Expulsion cases are the most significant judicial powers of the LCMS. Having the same persons exercise **both** powers results in a “union of powers,” which union is an opportunity for tyranny.

After explaining the functions of the three powers in a simple way, Alexander Hamilton wrote in *The Federalist* in 1788:

This simple view of the matter suggests several important consequences. It proves incontestably, that the judiciary is beyond comparison the weakest of the three departments of power; that it can never attack with success either of the other two; and that all possi-

Textual and Literary Judgments on the Biblical Text—What Happens to the Lutheran Commitment to Scriptural Inerrancy?¹

Below is Part 2 of Dr. John Warwick Montgomery's opening statement at the debate on October 15, 2016, at Concordia University Chicago. Part I is posted at the LCA web site at www.lutheranclarion.org (January 2017 Clarion).

Dr. Kloha's Approach to the Biblical Texts

We have noted that Dr. Kloha regards himself as a thoroughgoing eclectic. In the conclusion to his doctoral dissertation, he writes: “The goal of this study has been realized: To apply the principles of thoroughgoing eclecticism to the readings of the Greek manuscripts of I Corinthians, in order to determine how and, where possible, why the manuscripts were altered in the earliest period of transmission, that is, up to the fourth century.”¹⁴

But what does this mean in practice? The fact that thoroughgoing eclecticism privileges subjective, internal, literary criteria for the choice of biblical texts does not *per se* mean that Dr. Kloha falls into this methodological pit. We must therefore examine how Dr. Kloha does in fact make his textual decisions.

Kloha's doctoral dissertation provides innumerable illustrations of the consequences of his acceptance of thoroughgoing eclecticism. Here are but two instances that point out very clearly the incompatibility of his approach with the classic doctrine of biblical inerrancy—that the Bible speaks the truth in everything it teaches or touches.

In his treatment of I Cor. 7:33-34, Dr. Kloha rejects the “archetypal” reading reflected in our modern translations (based on the foundational MSS P¹⁵ B P) on the grounds that “the influence of the parallelism of the context, the difficulty of several syntactical features, and the development of terminology and practice in the early church led to several simultaneous alterations that cannot be attributed to accidental corruption.”¹⁵

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ble care is requisite to enable it to defend itself against their attacks. . . . For I agree [with Montesquieu] that ‘there is no liberty, if the power of judging be not separated from the legislative and executive powers.’⁵

In the present bylaws of the LCMS, not only is the judicial power the weakest of the three powers in the synod, but the judicial power of expulsion is also subsumed under the executive powers in the person of the district president.

Because of the union of powers in our present system, the judicial process can be corrupted in at least two ways. First, a district president may use his judicial powers in a “pardoning way” to preemptively terminate cases, thereby causing those whom he pardons to become his indebted protégés.⁶ This is, perhaps, the easiest way for a district president to create a political faction of personal support to continue his tenure in office and to ease his favorite proposals through the legislative branch—i.e., the district conventions. Second, a district president may use his judicial powers in a “punitive way” to ensure that: a) his political rivals, b) any opponents to his policies, and c) other people whom he simply doesn’t like—get poor treatment, and even banishment from the church, through the restriction, suspension, and expulsion processes.⁷

How did the LCMS end up with a judicial system that contradicts one of the fundamental principles of democracy and the liberties of a free Christian people? I have explained the history of our church judicial system in a lecture given to the Lutheran Concerns Association (LCA)⁸ and, in revised form, to the Association of Confessing Evangelical Lutheran Congregations (ACELC).⁹ I have defined the basic periods in that history by the criterion of who decided judicial cases. Judicial cases were decided by district or synodical conventions with ad hoc committees from 1847 to 1941; by independent judicial boards of adjudication and appeal from 1941 to 1992; by Dispute Resolution Reconcilers appointed by District Board of Directors, from 1992 to 2004; and by district presidents and Reconcilers since 2004.

Why did the synod make such drastic changes in its judicial system in 1941, 1992, and 2004? In the years prior to 1941, the synod witnessed its beloved president, Johann Friedrich Pfotenhauer (1859-1935; president 1911-35), under attack because of his handling of the Brux case.¹⁰ In my opinion, after Pfotenhauer was not re-elected in 1935, the synod deemed it wise to separate the president from judicial cases, so that persons under discipline by the synod would have no cause to attack the synod president and imperil his work or tenure in office.

“How did the LCMS end up with a judicial system that contradicts one of the fundamental principles of democracy and the liberties of a free Christian people?”

Prior to the 1992 revisions to the judicial system, the synod witnessed one of its beloved seminary presidents, Robert D. Preus (1924-95; seminary president 1974-89), being stripped of office without due cause and contrary to the synod bylaws. When the independent Commission on Appeals ruled in favor of Preus in May 1992, the synodical president refused to support their decision. Instead President Bohlmann set in motion a process to eliminate the independent judicial boards of adjudication and appeals. The last sentence is too simplistic. It is better to say that the **complete system** of adjudication and appeals was terminated at the 1992 convention.

The impetus for this radical change is indicated in the preface to 1992 Resolution 5-01B, where it states: “In January 1990 the President of the Synod appointed a task force to study the matter of conflict resolution and to make appropriate recommendations.”¹¹ To put matters simply, President Bohlmann was involved with the Robert Preus case and it appeared that pastors and laymen out in the field were very supportive of Preus. So instead of accepting the rulings of the judicial organs of synod, Bohlmann got rid of the officers on those commissions by eliminating the commissions, and then created something new without the separation of powers so beloved by the founding fathers of the United States of America.

Rev. Dr. Martin R. Noland

Pastor, Trinity Lutheran Church, Evansville, Indian

A future issue of the *Clarion* will continue with a description of the new Dispute Resolution Process adopted in 1992 and the resulting mischief.

- 1 See <http://www.lcms.org/handbook> for a free electronic copy of the February 2017 edition of the *2016 Handbook*; accessed March 3, 2017.
- 2 The preface to the February 2017 edition of the *2016 Handbook* explains the situation with these words: “The convention did not complete revisions to Bylaw Sections 2.14–2.17, necessitated by opinions of the Commission on Constitutional Matters having to do with who has the authority to suspend a member. Instead, by Res. 12-14, it directed the Secretary to consult with the Council of Presidents and develop new bylaws consonant with the Constitution on this point (see CCM Op. 16-2791, 16-2794). As the required consultation is still ongoing, the adoption of these bylaw changes by the Board of Directors (under Bylaw 7.1.2) must wait. Until that time, procedural guidance for Bylaw Sections 2.14–2.17 is to be sought in the corresponding *Standard Operating Procedures Manuals* or from the Office of the Secretary. Because the Res. 12-14 bylaw revision process is still underway, print publication of the *2016 Handbook* has been delayed.” (p. 10). For Resolution 12-14, see LCMS, *Convention Proceedings: 66th Regular Convention of the Lutheran Church—Missouri Synod, Milwaukee, WI, July 9-14, 2016* (St. Louis: LCMS, 2016), 233. These proceedings are available for free in electronic form here: <https://www.lcms.org/Document.fdoc?src=lcm&id=4344>; accessed March 3, 2017.

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- 3 On the dispute resolution and expulsion process in the LCMS, see my paper "The LCMS Dispute/Expulsion Process" published for free in electronic form here: <http://steadfastlutherans.org/2014/10/problems-with-2013-disputeexpulsion-system> ; accessed March 3, 2017. You need to be aware that the flow chart in that paper was based on the 2013 bylaws of synod and have not been revised to reflect any bylaw revisions made at the 2016 convention. The 2013 bylaws are found in: *Handbook: Constitution, Bylaws, and Articles of Incorporation, The Lutheran Church—Missouri Synod* (Saint Louis: LCMS, 2013) (hereafter "2013 Handbook"). Bylaw citations refer to this edition, unless otherwise noted.
- 4 Such cases are governed by Bylaw Sections 2.14 or 2.17. Cases in which a district president or synodical officer is being considered for expulsion are governed by Bylaw Section 2.15; in those cases, two district presidents and one reconciler decide the case as a Hearing Panel, and three district presidents decide the case if it goes to the Appeal Panel. A case in which the synod president is considered for expulsion is governed by Bylaw Section 2.16, and only district presidents are involved in that decision at either the Hearing or Appeal levels.
- 5 See Federalist Paper #78 (June 14, 1788), paragraph 8; quote from: Alexander Hamilton, John Jay, and James Madison, *The Federalist: A Commentary on the Constitution of the United States*, ed. Robert Scigliano (New York: Modern Library, 2000), 496-497; on the separation of power, see *ibid.*, 48, 225-226, 307-315, 423-424, 478-479, 496-497, and 523. It should be noted that Hamilton does not argue that the three powers should be "totally separate and distinct" (p. 314), but that the fundamental principles of a free constitution are subverted where "the whole power of one department is exercised by the same hands which possess the whole power of another department" (pp. 309-310). Since the whole power of judicial expulsion in the LCMS is exercised by the same hands which possess the whole power of the LCMS executive department, Hamilton's warning applies to the LCMS constitution and bylaws in their present state.
- 6 The classic example of an LCMS district president preemptively terminating a case in a "pardoning way" was the Matthew Becker Case, which is explained in detail in: Martin R. Noland, "Doctrinal Supervision and the Becker Case," *The Lutheran Clarion* 7 no. 5 (May 2015): 1-5; this issue is available for free in electronic form here: <http://lutheranclarion.org/images/NewsletterMay2015.pdf> ; accessed March 3, 2017.
- 7 The classic example of an LCMS synodical president, who holds the executive powers, interfering with and overpowering the judicial powers in a "punitive way" was the Robert Preus case, which is explained in detail in several documents, including: Texas Confessional Lutherans, *Anarchy* (Brenham, TX: Texas Confessional Lutherans, May 1992) [undersigned by Harold H. Buls, Daniel G. Reuning, and Richard E. Muller]; Robert Hirsch, Gilbert E. LaHaine, Harold M. Olsen, Lester W. Schulz, and Rev. Richard L. Thompson, "A Report to 1992 Convention Delegates from Five Members of the LCMS Board of Directors" (n.p., June 1992); n.a., "A Response to the 'Report of the Praesidium' on the Robert Preus Case Sent to the Delegates" (n.p., July 1992); *Balance News* (August 1990), 1-22; and "Commission on Appeals Responds to Synodical President's Special Floor Committee 11" (June 27, 1972); and the official report: "Decision of Commission on Appeals, in the case of Ralph A. Bohlmann, August T. Mennicke, Robert H. King, Robert C. Sauer, Eugene W. Bunkowske, and Walter A. Maier, plaintiffs vs. Robert Preus, defendant" (May 31, 1992). It should be noted that many district presidents were involved in this case, even to the point of meeting with and attempting to intimidate members of the Commission on Appeals who heard the Robert Preus case. President Ralph Bohlmann had also called in the entire Commission on Appeals to Saint Louis for a "lecture." The noted summoning to Saint Louis of the Commission on Appeals by President Bohlmann before the commission ever received the appeal of Robert Preus did not, in the opinion of this writer, seem to have affected the judicial independence of the Commission on Appeals given the commission's later decision.
- 8 See Martin R. Noland, "A Brief History of the Justice and Disciplinary System of the Lutheran Church—Missouri Synod," a lecture given to the Lutheran Concerns Association at Fort Wayne, Indiana, on January 18, 2016, which is available for free viewing on Vimeo video here: <https://player.vimeo.com/video/158239096> ; accessed March 3, 2017.
- 9 See Martin R. Noland, "A Short History of the Discipline and Dispute Resolution System of The Lutheran Church—Missouri Synod" (hereafter "A Short History"), a lecture given to the Association of Confessing Evangelical Lutheran Congregations at Nashville, Tennessee on April 26, 2016, which is available for free in electronic format here: <http://mychurchwebsite.s3.amazonaws.com/c2001/martynoland-shorthistoryofdisciplineanddisputeresolution.pdf> and for

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free viewing on YouTube video here: <https://youtu.be/0FvOEOxHM4s>; accessed March 3, 2017.

- 10 On the Adolph Brux case, see F. Dean Lueking, *Mission in the Making: The Missionary Enterprise among Missouri Synod Lutherans 1846-1963* (St. Louis: CPH, 1964), 270-276; Herbert M. Zorn, *Much Cause for Joy—and Some for Learning: A Report on 75 Years of Mission in India* (Malappuram, Kerala State, India: M.E.L.I.M., 1970), 28, 31-32; Mark E. Braun, *A Tale of Two Synods: Events that Led to the Split Between Wisconsin and Missouri* (Milwaukee: Northwestern Publishing House, 2003), 132-138; Jack T. Robinson, "The Brux Case," *Currents in Theology and Mission* 4 (June 1977): 143-150; Adolph Brux, *An Appeal to Synod with History of Case Including Charges against Board of Foreign Missions and Its General Secretary and Charges against the President of Synod* (Racine, WI: 1934); and Adolph Brux, *Christian Prayer-Fellowship and Unionism: An Investigation of our Synodical Position with Respect to Prayer-Fellowship with Christians of Other Denominations* (Racine, WI: 1935).
- 11 See LCMS, *Convention Proceedings: 58th Regular Convention of the Lutheran Church—Missouri Synod, Pittsburgh, PA, July 10-17, 1992* [St. Louis: LCMS, 1992], 141.

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Rev. Dr. Jonathan and Deaconess Cheryl Naumann serve the Lord in the Dominican Republic. Jonathan is the Latin America and Caribbean regional chaplain, providing pastoral care to the LCMS missionaries who serve in over ten countries in this region. He also assists in the theological education offered at the LCMS Latin America seminaries. As a mercy deaconess, Cheryl teaches and mentors women of the Dominican Republic to share the Gospel, as well as acts of mercy, with their neighbors. She also works with deaconesses in Latin America houses of mercy.



Dr. Naumann considers London, England, to be home. He has served as a pastor at St. Columba Lutheran Church, East Kilbride, Scotland; at St. Andrew's Lutheran Church, Ruislip, England; and, most recently, at Redeemer Lutheran Church and School, Oakmont, Pa.

Deaconess Naumann's hometown is Bremerton, WA. She was consecrated as a Lutheran Deaconess at Valparaiso University, on May 20, 1979. She served as a deaconess at the Lutheran Home for the Aged, Kendallville, IN; at St. Columba Lutheran Church, East Kilbride, Scotland; at St. Andrew's Lutheran Church, Ruislip, England; and, most recently, at Redeemer Lutheran Church and School, Oakmont, PA.

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Some of the information for this article was extracted from <http://www.lcms.org>.

(Textual and Literary Judgments...Continued from page 1)

At the end of his thesis, Kloha speaks of "the contexts of individual witnesses." He asserts that these contexts "can be known only in the case of a handful of witnesses (for example F G), and even there only imperfectly. Nevertheless, the theological, ethical, and even linguistic developments that were taking place during the first few centuries of the transmission of the *Corpus Paulinum* must be understood. For example, only after a highly-developed Trinitarian theology took hold could the addition of 8:6 have been made."¹⁶ It should be observed that if this view is accepted, no pastor should preach I Corinthians 8:6 as if it were the Word of God.

In the Festschrift for his mentor Elliott, Dr. Kloha identifies the author of the *Magnificat* as Elizabeth and not Mary.¹⁷ To be sure, whether Mary or Elizabeth spoke those words poses no doctrinal issue whatsoever. But the way in which Kloha arrives at his attribution is fraught with the most serious consequences for the authority and factual inerrancy of the text—and, by implication—for all other biblical material.

Kloha first sets forth the manuscript evidence for the two readings of Luke 1:46. "Turning to the continuous-text manuscript tradition of Luke," he properly notes, the Marian reading "is consistently attested in all Greek MSS at Luke 1:46" (p. 205). This, to be sure, is why "no editions of the Greek New Testament produced in the last half-century" accept any reading other than the Marian one (p. 200). The only readings of any consequence attributing the *Magnificat* to Elizabeth are non-Vulgate Latin readings, Irenaeus (a divided authority, however, since in one place he explicitly attributes the song to Mary), Origen (indecisive, as with Irenaeus), and a little-known, hardly impressive late 3rd - early 4th century Latin preacher, one Nicetas of Remesiana. The fact that these authorities are earlier than the authoritative Greek texts (Codex Sinaiticus and Codex Vaticanus, early to mid 4th century) is hardly a strong argument for the Elizabeth attribution, since they are non-Greek versions/translations and contradict the Greek texts.¹⁸ Kloha admits this.

So why does Dr. Kloha favour the Elizabeth reading—against the powerful weight of textual authority? Answer: because he accepts the philosophy of textual criticism espoused by J. Keith Elliott. In the Introduction to the Elliott Festschrift, we are told that "Keith's career has seen him refocus his work from searching for an 'original text' to what may reasonably be said of the history to which texts point." Kloha revealingly quotes Elliott at the beginning of his article in the following terms: the textual critic, according to Elliott, "feels able to select freely from among the available fund of variants and choose the one that best fits the internal criteria" (p. 200).¹⁹

If such an approach is accepted, the result is what might well be termed a "designer New Testament": variants are chosen according to the literary criteria of the textual critic, the idea being to arrive at a text which has the literary quality (similarity of vocabulary, style, structure, etc.) with which the critic is comfortable. This is, of course, to deny the *historical* claims of the New Testament books (e.g., Luke 1:1-

4, which precedes the *Magnificat* passage in the same chapter!). Note well: *any* New Testament text would be subject to the same treatment. Dr. Kloha's students, as future pastors and teachers, could hardly miss the lesson: if Kloha can do it, so can I.

The central problem with thoroughgoing eclecticism and Dr. Kloha's employment of it lies in the unrestrained discretion given to the textual critic. Here one observes a significant parallel with the evils of uncontrolled judicial discretion.²⁰ A proper jurisprudential philosophy will limit judicial discretion to those rare cases where the law is unclear. A proper biblical theology will limit textual discretion to those rare cases where external evidence *per se* cannot provide a solution based on the weighing of MS authority.

Even recognizing the unfortunate results of Dr. Kloha's textual philosophy in practice, can we not say that, considering the overwhelming similarity of textual readings and therefore the virtual identity of modern translations based on commonly accepted Greek texts of the New Testament (almost never the product of thoroughgoing eclecticism), no harm is really done?

Sadly, much harm is done. This is due to the fact that Dr. Kloha draws a logical but deadly conclusion from the fundamental principle of thoroughgoing eclecticism that *all* variant readings are in theory deserving of consideration. Since the number of existing texts, good, bad, and indifferent, is legion—and since there is always the possibility of uncovering previously undiscovered ones—the text of the New Testament is indeed never settled (“plastic,” to use language that he has ceased to use for political reasons). This means that the biblical text is always in a state of flux. Dr. Kloha declares: “We now have a text of the New Testament that makes no claim to being fixed and stable, for it is subject to continuous improvement and change.”²¹

That being the case, how can it be authoritative for the pastor or the layman? When can one say with confidence, “Thus says the Lord?” Dr. Kloha sees the historical church as the solution: it is the church that ultimately decides on the text to be accepted at any point in time. And since the

church is the body of Christ, led by the Holy Spirit, we need not be troubled by an ever-changing Bible.

In Kloha's view, the attempt to get back to the original autographs of Scripture is a chimerical task. One cannot even be sure that the *Corpus Paulinum* gives us the *ipsisima verba* of the Apostle. Indeed, final theological authority cannot reside in a Bible produced by single acts of divine inspiration. Rather, that authority must lie in the church herself as she continually reevaluates the results of the labours of textual scholarship. The text, like the canonicity question, is never finally closed, but remains an open and continuing task for the church. Writes Kloha:

“They [the Semi-nex professors] never out rightly denied the inerrancy of the Bible; they merely downplayed it at best and redefined it at worst (example: Arthur Carl Piepkorn).”

How, then is it decided which *reading* is apostolic and has been received as such by the church? The church has been and continues to be led by the Spirit into all truth as it hears ever again the Word. And the church has always taken the greatest care to ensure that what it teaches and preaches is indeed apostolic. That work continues today, in light of new evidence and historical study. . . . [T]o speak of a single act of inspiration . . . leaves us vulnerable. . . . God works in history. The Spirit created the church.²²

This, of course, is exactly the Roman Catholic solution to textual problems and biblical authority.

It is *not*, however, the Lutheran answer. Had it been, Luther's Reformation would never have occurred. He could hardly have said at Worms, “My conscience is captive to the word of God” and set biblical teaching against that of the Roman church of his day. One cannot have it both ways: if the Scripture is created by the church, it can hardly be used to criticize the church's errors.

Moreover, of course, such a solution is pure *Schwärmeri*: the Holy Spirit, instead of working through the objective Word to “reprove the world of sin, and of righteousness, and of judgment” (John 16:8), becomes a *deus ex machine* to justify the subjective literary judgments of the textual critic as to the proper content of the biblical text. In a very real sense, when “the church led by the Spirit” justifies the text, it is really justifying the literary perspective of the textual critic(s). Unless the text is justified by Christ's promise to the apostolic band, i.e., by its apostolic character, there will be no adequate case for its revelatory and inerrant nature. Without this, the Christian falls into the sectarian category of proclaiming as God's word what cannot be shown to be such (as with the *Bhagavad gita*, *Qur'an*, *Book of Mormon*, *Science and Health*, etc.).

And what happens to the Lutheran commitment to the *inerrancy* of Holy Writ? Inerrancy refers to issues of *truth*:

ACELC Conference Christ for Us: Order of Creation

The Seventh Annual ACELC (Association of Confessing Evangelical Lutheran Congregations) Free Conference will be held August 29-30, 2017, at Good Shepherd Lutheran Church in Lincoln, NE. The theme of this year's Conference could not be more timely as our Synod is grappling with this very issue: the Order of Creation.

We have not yet finalized our line-up of speakers to address this issue, but we are confident you will not be disappointed! Watch our web site (www.ancelc.net) for updates.

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whether the Bible is factually correct in all its assertions. When the content of Scripture is treated as a literary production—texts being chosen that presumably fit better the literary context—inerrancy becomes impossible in principle. A literary production can be effective and moving, but it cannot be “true” or “false.” (Think, for example, of *Winnie the Pooh*.)

To be sure, one can redefine “inerrancy”—to mean, say, “effective and moving”—doing in every instance “what God wants it to do.” This is precisely how the Seminex professors handled the matter. They never outrightly denied the inerrancy of the Bible; they merely downplayed it at best and redefined it at worst (example: Arthur Carl Piepkorn).²³

Hear Dr. Kloha on the inerrancy issue, and ask yourself: How does this differ from simply jettisoning the doctrine and going with Seminex “gospel reductionism” (the Bible is true in the sense that it presents the gospel):

If you want to rip Romans 15 and 16 out of my Bible, I can live with that. If you want Hebrews, James, Revelation torn out too, I can live with that. If you force me to look only at p46 or the bizarre majuscule manuscript W or one of thousands of Byzantine minuscules and use them as my New Testament—I can live with that. Give me only Codex Bezae Cantabrigiae, one of the most poorly copied, misspelled, error filled copies of Paul’s letters, and I can live with that. I could live with or without any of those, because even these poorly copied, corrupted by people, edited, to use Luther’s words, preach Christ. And if they preach Christ, they are of the Spirit, for preaching Christ is the Spirit’s work. And if they preach Christ, they are apostolic, for the apostle can speak nothing other than what he has been sent to speak. So apostles, no matter who they are, even one who has been aborted yet lived like Paul, who once persecuted the church, preach the death and resurrection of Jesus Christ. I can live without a perfect Bible. I cannot live without God raising Jesus from the dead.

On the other hand, force me to read only the Gospel of Thomas, I cannot live with that. Or the Koran, or the Book of Mormon. Not because the are not “inerrant” or “perfect,” or even “human,” but because there is no Gospel: There is no new life in Christ.²⁴

Finally, it has been argued that, since Dr. Kloha has not denied any Lutheran doctrine, there is no issue to be faced anyway. Such a conclusion is comfortable politically, but represents staggering naiveté.²⁵

We mentioned Seminex in passing. The Seminex professors accepted as legitimate the higher criticism. Higher critics receive from the lower/textual critics the best biblical texts, and then endeavor to go “higher” (or deeper) by subjecting the biblical material to internal, stylistic, literary analysis. On finding what they believe to be errors, inconsistencies, vocabulary and stylistic differences, etc., they arrive at the conclusion that there must have been earlier sources, earlier authors, and earlier editors of the material.

The fact that such earlier documents are nowhere to be found does not bother the higher critic—for his approach, like that of thoroughgoing eclecticism, focuses not on the objective, but on subjective, literary, stylistic judgment. In both cases, one might say—perhaps unkindly, but realistically—an objective God who objectively reveals is replaced by the Critic whose subjective determinations provide whatever “revelation” there is.

Is it really important whether biblical revelation is destabilized by higher criticism or by an unfortunate philosophy of lower criticism? The result is the same. Unless one gives the Holy Spirit a function Scripture does not, or unless one accepts the Roman Catholic belief that the church visible is the justifier of Scripture, these views must be rejected. One simply cannot be permitted to hold such views as a confessional Lutheran.

A Cautionary Tale in Conclusion

In the preceding analysis, we have assiduously avoided *ad hominem* argumentation. But, in conclusion, it cannot be omitted—owing to the lesson it carries.

On the recommendation of his department head, Dr. James Voelz, Jeffery Kloha proceeded to the University of Leeds (England) to obtain the Ph.D. under Professor J. Keith Elliott.²⁶ The English Ph.D. is not like the American degree of the same nomenclature: it requires neither a year or more of advanced course work in the field nor any comprehensive, written, qualifying examinations; the entire responsibility of the candidate is to produce an original thesis that will satisfy his doctoral mentor, advisor(s), and sometimes external examiners chosen by the doctoral mentor. In his doctoral thesis, Kloha lavishly praises Elliott for his guidance and his personal kindnesses.²⁷ In point of fact, Professor Elliott, during his career, has been a vicious critic of scholars who do not agree with him. Here are but two painful examples:

A review by Professor Elliott in the *Journal of Theological Studies* was so offensive that the editors subsequently published the following notice in its New Series (2013):

Editorial Apology. In April 2010 *JTS* published a review of Professor Chris Keith’s book *The Pericope Adulterae, the Gospel of John, and the Literacy of Jesus* (New Testament Tools, Studies, and Documents 38; Leiden: E. J. Brill, 2009). Pp. xvi+350. Hardback Euro121.00/\$166.00. ISBN 978 90 04 17394 1. The editors wish to apologize unreservedly for the publication of this review, and for the unprofessional and personal criticisms of the book and its author which it contained. The editors have also invited Professor Keith to respond in the article which follows to the academic criticisms of his book which were made in the review and a new review of the book has been commissioned.

Professor Elliott’s review of the late Dr. Harold Greenlee’s *The Text of the New Testament: From Manuscript to Modern Edition* (2008) in the *Review of Biblical Literature* was so objectionable that one commentator used the adjective “vituperative” to describe it.²⁸ It is noteworthy that

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Professor Elliott has been especially disturbed by evangelicals (in his view, fundamentalists) such as Dr. Greenlee.

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A future issue of the *Clarion* will continue Dr. Montgomery's opening statement. He will continue his critique of Dr. Elliott.

- 1 Professor Emeritus of Law and Humanities, University of Bedfordshire, England; Ph.D. (Chicago), D.Théol. (Strasbourg, France), LL.D. (Cardiff, Wales, U.K.). Member of the California, D.C., Virginia, Washington State and U.S. Supreme Court bars; Barrister-at-Law, England and Wales; Avocat à la Cour, Paris. Websites: www.jwm.christendom.co.uk; www.apologeticsacademy.eu This essay was presented, in debate with Dr. Kloha, at Concordia University Chicago on 15 October 2016.
- 14 Kloha, "A Textual Commentary on Paul's First Epistle to the Corinthians" (unpublished Ph.D. dissertation, University of Leeds, 2006). Vol. 2, p. 714 [hereafter cited as "Kloha thesis"]. Only the first two volumes are text; the remaining volumes consist of lists of MSS readings, bibliography, and the reproduction of a previously published article. The thesis demonstrates impressive labour; what it lacks is awareness of the theological implications of the philosophy of textual criticism it slavishly follows.
- 15 Kloha thesis, I, 186-87.
- 16 Kloha thesis, II, 717. It is clear that Kloha agrees here with Bart Ehrman: "As Ehrman has argued, at least some passages of the NT manuscripts have been altered in light of the christological controversies with which the scribes, presumably, would have been familiar" (*ibid.* I, 26). Ehrman's (and Kloha's) hypothesis of "orthodox corruption" has been shown by Tommy Wasserman to be unnecessary in several instances (cf. above, our note 4). My appreciation to Wasserman for an email that helped to make my argument more precise on this point.
- 17 Kloha, "Elizabeth's *Magnificat* (Luke 1:46)," *Texts and Traditions: Essays in Honour of J. Keith Elliott*, ed. Peter Doble and Jeffrey Kloha (Leiden: Brill, 2014), pp. 200-219. Another contributor to this volume is James W. Voelz, Kloha's New Testament Department head at Concordia Seminary, St. Louis, who (naturally!) has found no problems with Kloha's methodology or theology.
- 18 See, for example, the Nestle/Aland *Novum Testamentum Graece* (28th ed.; Stuttgart: Württ. Bibelanstalt) at Luke 1:46. Throughout his doctoral dissertation on the text of I Corinthians, Kloha shows particular bias for early, non-Vulgate Latin readings—in spite of the tremendous problem that it is impossible to identify the original Greek text they were attempting to translate. See below, our Appendix A, for a simple illustration of the irrationality of Dr. Kloha's approach.
- 19 More detail on this issue can be found in Montgomery, "Beyond the 'Plastic Text': The Plot Thickens," 12/3 *Global*

Journal of Classic Theology (Dec. 2015): <http://www.globaljournalct.com/wp-content/uploads/2015/12/Montgomery-Vol-12-No-3-Beyond-the-Plastic-Text-Rev.pdf>

- 20 "Judicial power is never exercised for the purpose of giving effect to the will of the judge, always for the purpose of giving effect to the will of the legislature; or, in other words, to the will of the law" (John Marshall, C.J., *Osborn v. Bank of the United States*, 22 U. S. 738 (1824)).
- 21 Kloha, "Theological and Hermeneutic Reflections on the Ongoing Revisions of the *Novum Testamentum Graece*," in: Achim Behrens and Jorg Christian Salzmann (eds.), *Listening to the Word of God: Exegetical Approaches* (Göttingen: Edition Ruprecht, 2016), p. 180. (This is the revision of Kloha's "Plastic Text" essay delivered at the Lutherische Theologische Hochschule, Oberursel, Germany, in November, 2013.)
- 22 *Ibid.*, pp. 198, 200. The proof-texts Kloha cites in support of his view have, literally, nothing whatever to do with the issue (I Cor. 1:21, Acts 2:38-41). In his original "Plastic Text" paper, he wrote: "Who then decides? As always, the gathered baptized, those who hear the voice of the shepherd and follow where he leads. . . . The church decides, but the church has been and continues to be led by the Spirit into all truth as it hears ever again the Word." Remarkably, though Kloha's specialty is the New Testament text, he does not seem to realize that the "leading into all truth" (John 16:13) like the bringing "all things to your remembrance, whatsoever I have said unto you" (John 14:26) were special gifts of the Spirit bestowed by Jesus on the original apostolic band, and thus the guarantee that their recounting of divine truth would be infallibly reliable—not a general promise to the church that it would function as the vehicle of revelatory truth. Pre-eminent New Testament scholar Oscar Cullmann referred to this as the "gift of total recall." See below, our note 32 and Appendices C and D.
- 23 See A. C. Piepkorn, "What Does 'Inerrancy' Mean?" 36 *Concordia Theological Monthly* 577-93 (September, 1965). Cf. for numerous other illustrations: Montgomery, *Crisis in Lutheran Theology* (2d ed., 2 vols. in 1; Grand Rapids, MI: Baker Book House, 1973), I, 81-123 (especially pp. 96-97, 116-17).
- 24 Kloha, "The Authority of the Scriptures," Concordia Seminary St. Louis 2010 Symposium ("The Scriptures: Formative or Formality?"). The logical slippage in the above argument should not be overlooked (cf. above, the Gordon Clark quotation at our note 3): Says Kloha: "if they [texts] preach Christ, they are apostolic, for the apostle can speak nothing other than what he has been sent to speak" So apostles, no matter who they are . . . BUT preaching Christ does not make the preacher an Apostle ("apostolic")—or everyone who has ever preached the gospel would be an Apostle! In reality, solely being an Apostle makes one's utterances apostolic. Not so incidentally, *pace* Dr. Kloha, the reason for textual critic Bart Ehrman's defection from biblical Christianity was *not* his prior commitment to a traditional, evangelical understanding of the inerrancy of given-once-for-all biblical texts; it was his acceptance of a rationalistic, anti-miraculous, secular worldview which made any kind of transcendent revelation impossible (*finitum non capax infiniti* vs. the biblical—and Lutheran—*infinitum capax finiti*).
- 25 See Appendix B to this essay.
- 26 Note: not a theological doctorate from a theological faculty.
- 27 "Prof. J. K. Elliott has provided his meticulous guidance throughout. It has been an honor to work under his direction. I only hope that I can begin to emulate his model of outstanding scholarship and warm collegiality" (Kloha thesis, I, 1).
- 28 <http://evangelicaltextualcriticism.blogspot.com/2009/02/greenlee-review-keith-elliott-responds.html> [accessed 15 September 2016].

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