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Possible Courses of Action Involving a Disaffected or Dissident Individual or Group of Individuals in the Church

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THIS STUDY WAS NOT DESIGNED FOR PUBLICATION. THE STAFF OF CONCORDIA THEOLOGICAL MONTHLY requested the author to prepare it as the basis for a discussion out of which an in-house position paper might come. After receiving and discussing the draft, the staff adopted it as its own with minor modifications and secured the author's permission to publish it.

The unhappy state of mutual schism in which all Christians are at present caught creates a profound problem for Christians of the Augsburg Confession, although not only for them. On the one hand they believe that their congregations, as communities in which the Word of God is proclaimed and applied and in which the sacraments are efficaciously administered, are genuine Christian churches. Intensively, indeed, although not extensively, each church is the one holy catholic and apostolic church in a local manifestation. On the other hand, these are not the only genuine churches. Outside their fellowship there are not only Christians, but Christian communities, Christian churches, in which the Word of God is proclaimed and applied and sacraments are efficaciously administered. The temptation is great to feel that the simplest solution to the problem created by a dissident layman or clergyman is to direct him to "seek his fellowship elsewhere." But as a local manifestation of the one holy catholic and apostolic church, a Lutheran com-

munity cannot expel a member merely from its own fellowship without at the same time intending to expel him from the one holy catholic and apostolic church. A Lutheran community cannot therefore compel a dissident to "seek his fellowship elsewhere" unless it is able to demonstrate that he is contumaciously propagating teachings that clearly contradict the doctrinal content of the Lutheran symbolical books to which he has promised to conform his teaching and his administration of the sacraments. In the absence of such a demonstrated departure from the norm of Lutheran teaching, to compel a dissident to leave might involve compelling him to violate his conscience in another Christian community.

There is another side to the coin. A growing number of Christians are seeking to solve the problems that their affiliation creates for them by changing their affiliation.

This study considers possible courses of action open both to church administrations at various levels and to disaffected or dis-

sident Christians themselves, specifically in The Lutheran Church—Missouri Synod.

The options listed hereunder are all overt actions. It is taken for granted that as long as the disaffected or dissident persons see themselves as Christians they will continue to engage in a serious examination of their own motives after invoking the guidance of the Holy Spirit in prayer for themselves and in intercession for the authorities of the church and other Christians with whom they come in direct or indirect contact.

A. OPTIONS OPEN TO THE CHURCH ADMINISTRATION

1. To procure the excommunication of the disaffected or dissident element or the individual.

Discussion: Excommunication is designed to expel the individual from the only holy catholic and apostolic church and not merely from a particular church body or congregation. It is theologically dubious if excommunication is a proper procedure against a professing Christian whose only alleged offense is that he holds a different theological opinion from that of the larger community. Excommunication may be theologically defensible where a professing Christian stubbornly and consciously holds and insists on publicly propagating a view that contradicts the substance of the Christian faith. In The Lutheran Church—Missouri Synod excommunication can be pronounced only at the level of the congregation to which the offending person belongs. If such a congregation refuses to pronounce excommunication, the maximum penalty it can incur is ultimately expulsion from the fellowship of the District and the Synod.

2. To procure the expulsion of the alleged offender(s) from the fellowship of The Lutheran Church—Missouri Synod, but without excommunication.

Discussion: This can be done only on grounds that are more or less precisely spelled out in the constitution of The Lutheran Church—Missouri Synod. To do so on narrower grounds, say on the basis of refusal to teach according to synodical resolutions, if this were made or were determined to be constitutionally possible, would be to set up sectarian criteria for fellowship.

3. To procure the permanent enforced suspension from the sacred ministry (in the case of ordained persons).

Discussion: Suspension from the sacred ministry in The Lutheran Church—Missouri Synod can take place only on grounds that would justify either excommunication or expulsion from the Synod.

4. To procure the transfer without prejudice of the alleged offender(s) to another parish, District, or church body in one of the ways indicated hereunder.

Discussion: A transfer without prejudice would require both the more or less free concurrence of the alleged offender(s) as well as of the parish, District, or church body concerned. A transfer within the Synod that would imply that the alleged offender was unsound doctrinally would contribute to fragmentation of the Synod.

a. To another parish or District of The Lutheran Church—Missouri Synod (at the parish or District level).

b. To another Lutheran church body.

Discussion: We have only limited machinery for such transfers to The American

Lutheran Church, the only church body with whom we are formally in fellowship, and we have no machinery for such transfers to other Lutheran church bodies. Conceivably such a transfer could in individual cases be worked out through the Lutheran Council in the U.S.A. (if the Lutheran Church in America were involved) or through direct negotiation. A transfer that would imply that the alleged offender was unsound doctrinally would have negative implications for Lutheran unity in America.

c. To another Christian body.

Discussion: No machinery for this sort of transfer exists. The alleged offender would have to be induced to withdraw from The Lutheran Church—Missouri Synod and to find and accept a suitable area of activity outside of Lutheran circles. It is not easy to imagine the inducement that might persuade him to do so.

d. To another area of service within The Lutheran Church—Missouri Synod (if the alleged offender were an ordained minister and/or engaged in an area of service under the direct or indirect control of the church authorities involved).

Discussion: At the expiration of a formal contract, such an arrangement would meet the legal requirements and the obligation imposed on the authorities to make fraternal provision for someone whose term of service had come to an end. The question could properly be raised if the refusal to reappoint the incumbent is morally right where the area of service has not ceased to exist, even though the demands of strict legality were met; the possibility that such an action would be a grave infraction of Christian love remains. In any case, such an arrangement would

be impossible if the suggestion were made that the alleged offender was doctrinally unsound. Again, it would be necessary to secure the concurrence of the person involved as well as of the person(s) responsible for staffing the other area of service and to insure that the new area of service is in every way commensurate with the competence and experience of the person being transferred.

5. To continue to discuss the issues involved.

Discussion: This is probably the most fruitful procedure. But some caveats need to be noted. The continuation of such discussion must not be allowed to become a form of harassment and pressure, by scheduling such discussions too frequently, by extending the individual discussions over unduly long periods of time, by holding them at times and places inconvenient for the alleged offender, and by deliberately choosing spokesmen for the authorities whose manner of presentation is likely to goad the alleged offender to words and actions that put him at a disadvantage. Nor should the continuing conduct of discussions be made merely a basis for silencing the alleged offender. It must be remembered that most theological arguments between individuals of the same theological tradition are not intrinsically complicated. After the issues have been laid bare, there should be adequate time between discussions for reflection and the introduction of new insights. Otherwise the discussions degenerate into frustrating and irritating repetitions of assertions and counterassertions. The point is rapidly reached where continuing discussions should be scheduled rather far apart.

6. To take no action.

Discussion: Where this option is not clearly prejudicial to the interests of the church, it too has much to recommend it. This is particularly the case where the alleged offender is ill-informed, where he gives evidence of mental disturbance, where his alleged aberration seems clearly to be the result of immaturity or imprudence, or where he seems to be using the attention centered on his alleged aberration as a means of reassuring himself of his own importance.

B. OPTIONS OPEN TO THE DISAFFECTED OR DISSIDENT PERSON OR GROUP

1. To suffer in silence.

Discussion: This decision does not require the individual to answer a direct question about his views untruthfully.

2. To urge continuing discussion of the issues.

Discussion: The same considerations apply, although not in precisely the same way, that apply from the side of the authorities. In essence, this option is identical with what some Lutherans have come to call being *in statu confessionis*.

3. To seek a transfer to another area of service and/or circle of fellowship.

Discussion: Where the disaffected person feels that this is a solution to the problem this is a legitimate option as long as it is approached in a justifiable way. The individual must always be concerned that in choosing this option he is not acting contrary to God's will for his life as he apprehends it.

a. To another area of service (if he is an ordained person and/or functioning in a position directly or indirectly under the

control of the authorities over him in the church).

b. To another parish or District of The Lutheran Church—Missouri Synod.

Discussion: The individual who chooses this option must avoid appearing to deny the existence of the necessary degree of doctrinal agreement within The Lutheran Church—Missouri Synod.

c. To another Lutheran church body.

Discussion: The individual who chooses this option must avoid appearing to affirm a fundamental disagreement between the new church body's commitment to the Lutheran symbolical books and the commitment of The Lutheran Church—Missouri Synod. This observation is particularly applicable in cases where the individual would transfer to The American Lutheran Church or to the Lutheran Church in America, in view of the fellowship that has been declared between The American Lutheran Church and the other two major Lutheran church bodies. If the individual were to affiliate with another Lutheran church body, it is to be hoped that even though these bodies might be neither directly nor indirectly in fellowship with The Lutheran Church—Missouri Synod he would not charge the latter with having forsaken its commitment to the Lutheran symbolical books.

d. To another Christian communion.

4. To withdraw from The Lutheran Church—Missouri Synod and to establish an independent Lutheran congregation or another Lutheran church body.

Discussion: It is to be hoped that the North American Lutheran spectrum with its broad range of options from the Apostolic Lutheran Church to the Church of

the Lutheran Confession would provide a haven for almost any person or group within The Lutheran Church—Missouri Synod that felt himself or themselves compelled in conscience to withdraw from the latter. To create still another permanent Lutheran fellowship would be an action hard to defend against the charge of schism.

5. To accept excommunication as an unjust act of the institutional church.

Discussion: The misuse of the power of the keys is a phenomenon that has engaged the attention of theologians at least as far back as St. Augustine. Theologians generally agree that an unjust excommunication does not affect the status of the excommunicated person in God's sight. They counsel acceptance of this misfortune with cheerful trust in God in preference to an act of schism. But at a point in the history of the church where all Christians are living to a greater or lesser degree in mutual schism, it is to be hoped that such excom-

municated Christians could—while preserving charity toward the branch of the institutional church that wronged them—find access to the proclaimed Word of God, the sacraments, and the church's service of pastoral care in some other Christian community. Pastorally this might be more advisable and less likely to be a temptation than to attempt to nurture in isolation the divine life given in baptism.

6. To leave the sacred ministry (if an ordained person) and to accept a laicized status.

Discussion: This option would confront the individual with the dilemma of affirming that either his previous interior and exterior vocation to the sacred ministry had not been authentic or of affirming that his competence to discharge his ministry had been diminished to the point where he could no longer effectively do so.

7. To renounce the Christian faith.

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